

IMPEACHMENT AD LEADS TO U.S. SUIT

Committee Is Charged With
Violating Elections Law

Special to The New York Times

WASHINGTON, Aug. 17 — The Justice Department filed a suit today against the National Committee for Impeachment, charging that it had violated Federal election laws by sponsoring a newspaper advertisement in May calling for President Nixon's removal from office.

The department, in the first suit filed under the Federal Campaign Election Act, asked a Federal court in Manhattan to enjoin the committee from soliciting or spending funds for any political purpose until it agreed to comply with the provisions of the 1971 law governing political organizations.

The suit was prompted by a two-page advertisement placed by the committee in The New York Times of May 31, which reproduced the text of a resolution to impeach the President, introduced in Congress by Representative John Conyers Jr. of Michigan.

The group charged that President Nixon's conduct of the Vietnam war was unconstitutional and called for his impeachment on charges of having committed certain "high crimes and misdemeanors" as specific in the resolution, including having "arrogated to himself the power to declare war" given by the Constitution to the Congress.

The advertisement also named to the committee's "honor roll" seven other Democratic Representatives who had endorsed the resolution, William E. Ryan, Bella S. Abzug and Charles B. Rangel, all of Manhattan; Shirley Chisholm of Brooklyn, Ronald V. Dellums of California, Louis Stokes of Ohio and Parren J. Mitchell of Maryland.

A ninth Representative, who has not endorsed the resolution, Paul N. McCloskey, Republican of California, was also "honored" for having "the courage to state publicly that President Nixon should be threatened with impeachment."

In the advertisement, the committee declared that it would "devote its resources in funds and publicity" to aid any candidate for election or reelection to the House, "whether Republican, Democrat, independent or a new party," who

pledged to endorse the impeachment resolution.

The organization also asked for contributions of funds by mail "to help finance our work."

The Justice Department said in the suit that the advertisement, which cost the committee \$17,850 for one insertion, "had the purpose of influencing the election of persons to Federal office." It said that the organization thus fits the definition of a "political committee" as one that spends more than \$1,000 a year for the purpose of influencing a Federal election.

The Federal complaint specifically accused the committee of failing to file with the Office of Federal Elections statements of organization and reports of contributions received and expenditures made by it, as required under the election law.

In addition, it was cited for having omitted from the advertisement two required notices—one stating where a copy of its reports could be obtained by the public, and a second indicating that the nine Representatives named had not authorized the committee to place the advertisement in their behalf.

Subsequent inquiries by the Clerk of the House, W. Pat Jennings, showed that none of the nine had given the committee such authorization.

The suit, which in addition to the committee named as defendants its chairman, Randolph Phillips, and secretary-treasurer, Dr. Elizabeth A. Most, noted that the Office of Federal Elections, which is in charge of administering the Federal election law, had received three complaints against the committee.

It said that after receiving the complaints, which were made by a public interest law firm, the Committee to Re-elect the President and Common Cause, a citizen interest group, Phillip S. Hughes, the director of the Office of Federal Elections, "conducted the required investigation into the matter, afforded the defendants an opportunity for a hearing."

The committee's only response, it said, was to submit a notice that the advertisement had not been authorized by the individuals named. It added that the defendants "have failed and refused after repeated demands therefore" to file the necessary statements.

Mr. Phillips, who is believed to be in Miami, could not be reached for comment on the suit.

On June 15 the Office of Federal Elections also referred to the Justice Department "for appropriate action" a complaint charging The Times with an "apparent violation of the election law for failing to obtain certificates of nonauthorization from each candidate and to publish a statement in the advertisement saying that no candidate for Federal office had authorized expenditure for the publication.

The Times subsequently printed such a disclaimer, but Mr. Hughes said that the belated notice "did not remedy" the failure to include it in the original advertisement.

A Justice Department spokesman said today that it had not yet been decided what action, if any, would be taken against The Times.

In a letter to the House Clerk

dated June 23, James C. Goodale, senior vice president of The Times for law and finance, said the paper disagreed with any interpretation of the law that held that "mere mention of or incidentally favorable comment about a candidate in an advertisement requires the press to obtain [such a] certificate mentioned."

If this were the case, the letter said, a candidate so named "would have a veto power over publication of advertisements with which he or she disagreed."

"We do not believe this can possibly be constitutional," the letter said.

Arthur Ochs Sulzberger, The Times's president and publisher, said today he would not comment on the filing of the suit in view of the fact that The Times was not named in