

Impeachment Panel Is Enjoined From Further Political Actions

By ARNOLD H. LUBASCH

An injunction was issued by a Federal Court here yesterday to bar political activities by a committee seeking to impeach President Nixon for his conduct of the war in Vietnam.

Judge Sylvester J. Ryan granted the preliminary injunction against the National Committee for Impeachment, which placed a controversial two-page advertisement in The New York Times on May 31 to advocate a resolution to impeach the President.

The Government requested the injunction against activities by the committee, such as soliciting and spending funds for political purposes, until the committee submits reports under the Federal Election Campaign Act of 1971.

The impeachment committee has not filed a financial report on its expenditures and contributions, including a list of its contributors, and a registration statement describing the organization and identifying its officers.

In granting the injunction, Judge Ryan accepted the Government's contention that the committee was violating the Federal election law by failing to file the required reports.

First Move on '71 Law

This was the first injunction requested by the Government under the 1971 law, according to T. Gorman Reilly, an Assistant United States Attorney, who argued the Government's case at a hearing before Judge Ryan last Wednesday.

Paul G. Chevigny, a lawyer for the New York Civil Liberties Union, represented the committee at the hearing, and said he would appeal the judge's decision.

Mr. Chevigny argued at the hearing that the Government was seeking to suppress the controversial committee by using the "unconstitutionally broad" 1971 law, which a number of legal authorities have described as unconstitutional and infringing on freedom of expression.

Randolph Phillips, chairman of the impeachment committee, represented himself at the hear-

ing and submitted a long affidavit containing accusations against President Nixon.

Mr. Phillips added after the injunction that efforts to "repeal the First Amendment in order to get Richard M. Nixon re-elected" would fail and that members of the peace movement were "ready to march on Washington" to protect the Constitution.

The arguments for the committee were rejected by Judge Ryan in a three-page order granting the preliminary injunction to bar the committee's activities until it provides the reports required by the election law.

Advertisement Cited

Judge Ryan ruled that the committee's advertisement in The Times had established a "substantial prima facie showing" that the impeachment organization was functioning as a political committee under the election law's meaning.

"The advertisement plainly stated that the committee solicited contributions and funds to be used on behalf of candidates and for the election of candidates for the House of Representatives in both party primary and election contests," the judge said.

"I find neither substance nor merit to the defendants' position that the injunctive relief sought would infringe upon defendants' constitutional right to free expression of their ideas," he added.

Judge Ryan characterized the disputed 1971 law as an act "designed and worded only to protect public interest and to prevent fraudulent solicitations."

After the committee's advertisement appeared in The Times the Office of Federal Elections referred a complaint to the Department of Justice charging the newspaper with an "apparent violation" of the law for failing to obtain certificates from each candidate mentioned in the advertisement.

The Justice Department has not indicated whether it will take any action against The Times.