

Fuchsberg and Hirschfeld Cleared of Campaign-Law Violations

The State Board of Elections said yesterday that it had found no basis for a further investigation of charges of improper or illegal conduct in the campaigns of Jacob D. Fuchsberg, a candidate for the Democratic nomination for the Court of Appeals, and Abraham Hirschfeld, a candidate for the Democratic nomination for United States Senator.

The board said in a statement that investigations into the charges against both candidates revealed "no violations of a substantive character to warrant further inquiry."

It also warned "candidates, committees and their partisans not to attempt to use the board as a springboard for spurious claims of alleged misconduct."

The board, which was set up three months ago to monitor state elections, is wary of being used as a vehicle by political candidates to try to discredit each other.

Its investigations were the result of two articles in The New York Times. In one article, it was alleged that Mr. Hirschfeld, through an intermediary, had offered a \$50,000 contribution to an Allard Lowenstein-for-Congress Committee with the implication that it was an inducement to Mr. Lowenstein

to drop out of the senatorial primary race.

In the second, it was alleged that Mr. Fuchsberg's campaign committee had paid workers to circulate nominating petitions for Mr. Fuchsberg and District Attorney Richard H. Kuh, who is seeking re-election, on the basis of the number of Fuchsberg signatures collected — an illegal practice under state election law.

The statement by the board said it had interviewed five persons who told The Times they had been paid by the Fuchsberg committee on a per-signature basis.

'Witnesses at Variance'

The board did not say that those persons denied being paid on the basis of signatures but indicated that their statements were not conclusive enough to warrant a finding of "wrongdoing."

"There are conflicting statements regarding the basis for payment but the witnesses are at variance regarding the language used and the inferences to be drawn," the statement said.

On Monday, Arthur H. Schwartz, chairman of the State Board of Elections, was included in a list released by Mr. Kuh of six former bar association presidents and three retired judges who have endorsed the District Attorney's bid for the Democratic nomination for a full term.

Mr. Schwartz insisted in an interview yesterday, however, that this presented no conflict of interest in the board's investigation of the Fuchsberg campaign committee's activities.

He said he believed that he had given his name to the Kuh campaign committee before he assumed office in June because at that time he had resigned all his political positions to keep the board impartial.

Kuh Aware of Drive

"I don't recall when I signed that endorsement, but it must have been long before I became chairman of the Board of Elections," he said.

The workers who circulated Fuchsberg petitions said they also had been given Kuh nominating petitions and told that although they would only

be paid for the number of Fuchsberg signatures collected, they should collect as many Kuh signatures as they could.

Mr. Kuh said he was aware of the joint petition drive but had agreed to it only on the condition that Mr. Fuchsberg pay for it. He said he knew the workers had been paid — it is legal to pay for petitioning at a flat rate — but not that they had been paid on the basis of signatures.

In the Hirschfeld case, the board said there was "no support for the complaint" that Mr. Hirschfeld offered contributions to Mr. Lowenstein to drop out of the Senate race.

The board also said that a smaller \$200 Hirschfeld contribution to Ramsey Clark, who is still in the Senate race, was not meant to be an inducement to Mr. Clark to withdraw from the race.

\$50,000 Displayed

However, it was learned that at least two leading Democrats told the board that Saul Rudes, a Manhattan lawyer and friend of Mr. Hirschfeld, had displayed

Hirschfeld checks totaling \$50,000 and indicated that they were a factor in Mr. Lowenstein's decision to run for the House of Representatives in Nassau County's Fifth District rather than for the United States Senate.

Mr. Rudes, who was among those who was questioned by the board, denied that the checks were an inducement for Mr. Lowenstein.

There was no indication that Mr. Lowenstein received the \$50,000 but both he and Mr. Hirschfeld acknowledged that Mr. Hirschfeld donated \$5,000 to the Lowenstein congressional campaign. Mr. Hirschfeld and his wife also gave a total of \$200 to Mr. Clark, who has set a limitation of \$100 for individual contributions to his campaign.

Both Mr. Lowenstein and Mr. Clark rejected the contributions after they were publicized and after two Democratic aspirants for Governor, Howard J. Samsuels and Representative Hugh L. Carey, had called on the State Board of Elections to investigate the Hirschfeld offers.