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Fear of Spying

AN EVIDENT CONCERN for civil liberties underlies the agreement, approved by a federal-court panel recently, that allows the Socialist Workers Party to withhold the names of contributors from federal campaign reports until 1985. However, the precedent-setting decree has some jarring elements.

For all its value in promoting open and honest campaigns, disclosure of citizens' political activities obviously involves at least hypothetical risks. The hard question is when those dangers become real and immediate enough to justify exceptions. In this case, the Federal Election Commission and Common Cause agreed with the Socialist Workers Party (SWP) that the record met the Supreme Court's standard by showing "specific evidence of past and present harassment" of the SWP and its members, plus "a reasonable probability" that contributors will be subjected to "threats, harassment or reprisals" if their names are disclosed.

There is no doubt about the past. A raft of official reports and lawsuits has exposed a dreary record of official surveillance, disruption and harassment, stretching from the 1930s until 1976.

But what about "present" harassment and the "probability" of future harm? Is someone preparing a new campaign against the SWP? The record says just the opposite. The FBI's monitoring finally stopped in September 1976. In affidavits filed a year ago, spokesmen for the FBI, the CIA, the IRS, the Secret Service, the Defense Department and the Civil Service Com-

mission swore that the SWP was not being probed and that nobody was being investigated or blackballed because of a link with the group. As far as we know, that's still true.

Perhaps, then, the decree should be read as a sign that three seasoned federal judges don't believe that the government has really reined itself in. That would be ominous—but we doubt it's so. Then is this a four-year-old lawsuit that has outlived its rationale? If so, a protective exemption—however justified in 1974—is no longer required.

We come down in a different place. We suspect that everyone was trying to prevent another kind of political damage, the harm caused if citizens shy away from the SWP because they fear that identification with it might still be hazardous. The record of past harassment is so massive and recent that some people may well have such apprehensions, no matter how improbable reprisals seem to most of us.

A short period of non-disclosure, to let such worries recede, would be far easier to defend and understand than an exemption put in terms of threats that no longer exist. But that argument has problems, too. Proclaiming that SWP contributions will be kept private helps perpetuate the impression that this one party is somehow more dangerous or less legitimate than the rest. That's the very impression that should be dispelled. And that, to us, is a good reason why the SWP itself should rethink its position and decide to bring its supporters into the sunlight before 1985.