

U.S. Is Seeking A List of Donors To Communists

Party, in Turn, Attempts
to Obtain F.B.I. Files

By PETER KIHSS

The Federal Government is trying to force the Communist Party, U.S.A., to disclose the names of contributors to its 1976 Presidential campaign. The party, in turn, has subpoenaed files that the Federal Bureau of Investigation says would cost it \$36 million to search out.

Gus Hall, the party's general secretary and two-time candidate for President, said yesterday it had cited a Jan. 30, 1976, Supreme Court decision in which James L. Buckley, then Republican-Conservative Senator from New York, was principal plaintiff against the Federal Election Commission.

The decision, *Buckley v. Valeo*, said a minor party could win exemption from disclosure rules if it showed "reasonable probability that the compelled disclosure of a party's contributors' names will subject them to threats, harassment or reprisals from either government officials or private parties."

The Election Commission started a Federal Court civil suit against the Communist campaign committee last August. It now seeks to quash the subpoena for F.B.I. documents through which the party seeks to show harassment against it since 1936.

Could Paralyze Functions

An F.B.I. affidavit filed with that motion says the subpoena would require a search of six million volumes with more than 60 million cards, including 26.5 million pages on security matters at Washington headquarters alone, as well as 9,874,000 more pages in its New York office. The result, it said, "could virtually paralyze existing F.B.I. functions."

Mr. Hall called the party's first news conference at a headquarters it has occupied for more than a year, in former Family Court offices at 235 West 23d Street. He said his group was the only leftist party on which Federal surveillance had been continued under a still-classified 1976 order by former Attorney General Edward Levi.

The Federal election law, Mr. Hall said, requires the party to report contributors of more than \$100 and to keep records of those giving more than \$50. Mr. Hall said that his committee had publicly promised its campaign donors that it would not disclose their names, and that it did not keep records of most of them.

There were more contributors, he said, than members of the party, whose membership he put at between 13,000 and 20,000. Mr. Hall's 1976 Presidential bid polled 58,992 votes in 19 states.

\$500,000 Spent in Campaign

John J. Abt, party counsel, said about \$500,000 had been collected and spent in the campaign. Some contributors gave money by check and others were willing to disclose names so that a commission audit, he said, reckoned that about one-third of the \$100-and-up givers had been identified.

Mr. Hall said the party proposed to show, among other things, that some corporations ask job applicants to say if they had ever been members of the Communist Party.

The Federal motion to quash the Communist subpoena, submitted by Assistant Attorney General Barbara Allen Babcock, called the subpoena "sweeping in its requests," of "questionable relevance," "a fishing expedition" and "unreasonable and oppressive."

In Washington, the Federal Election Commission refrained from commenting on the Communist Party's case, which is recorded in court files in both the District of Columbia and the Southern District of New York.

The commission said it had agreed earlier this month on a consent decree with the Socialist Workers Party, allowing that Trotskyist Communist group to keep contributors' names secret, at least through the 1984 election, but requiring it to keep certain records available.

The Trotskyist group has a separate \$10 million damage suit against the Department of Justice for alleged past invasions of members' constitutional rights.