

Hill Rejects Delay On Strengthening Election Fund Act

By Morton Mintz
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The Justice Department made a surprise plea on Capitol Hill yesterday for delay in strengthening the election campaign financing law. The plea was immediately brushed aside.

"I can assure you that members of Congress are not in a mood to delay action," Sen. Howard W. Cannon (D-Nev.) told Assistant Attorney General Robert G. Dixon Jr.

Cannon is chairman of the Senate Rules Committee, which has before it a broad reform bill approved by the Senate Commerce Committee three weeks ago. The bill requires the Rules Committee to report the measure to the Senate by June 22.

Dixon made the plea for postponement at the close of a two-day hearing conducted by Sen. Claiborne Pell (D-R.I.), chairman of the Senate Rules elections subcommittee.

The department "strongly believes" that action on the bill should be deferred pending completion of what legislation," the official testified.

The "prelude" is a comprehensive study of the federal election process that President Nixon proposed last month. He urged Congress to set up a nonpartisan study group to offer its recommendations no later than next Dec. 1.

The Dixon plea came as a surprise because Mr. Nixon assured a bipartisan bloc of legislators on May 15 that the study proposal was not intended as a tactic to delay election law reform.

As a side note, Senate Minority Leader Hugh Scott quoted the President as saying, "We have no intention of precluding present on-go-

ing actions on election law proposals."

At the hearing, Pell and Cannon chided the Nixon administration, telling Dixon that the President would not have proposed the study commission had it not been for the Watergate scandal.

In any case, Pell said, existing laws did not deter the criminal acts discovered in the Watergate affair, and neither would new ones. Laws alone cannot stop "the arrogant abuse of power by men whose ends seem to justify any means," Pell said.

But neither he nor Cannon oppose the proposed commission, which has wide bipartisan support. The prospect is that the Rules Committee will approve it, possibly by June 22.

However, Secretary of the Senate Francis R. Valeo protested that the White House draft bill would empower the study commission to "require" information from Congress—but not from the presidency.

The draft bill also tells Congress that it "shall cooperate" but imposes no comparable stricture on the White House, Valeo said. He testified in his capacity as supervisor for Senate election contests under the Federal Election Campaign Act of 1971.

The Commerce Committee bill, which would strip the Justice Department of authority to investigate and prosecute violations and vest the authority in a new independent election commission, is likely to emerge from the Rules Committee in modified and expanded form.

At the same time, certain major reform proposals that have received an unprecedented push from the Watergate scandal, particularly for public financing of presidential campaigns, are not expected to be included in the bill. Instead, they will be left for the proposed study group, for later action by one or another Senate committee, or for incorporation in floor amendments.

In the House, in contrast, there is no visible movement. The House Administration elections subcommittee has yet to set a date for hearings on a bill for a proposed independent elections commission, which would re-

place the existing troika of supervisors: the General Accounting Office for presidential elections, the Clerk of the House and the Secretary of the Senate.

The Senate approved an independent commission proposal by a vote of 89 to 2 in 1971, but Rep. Wayne L. Hays (D-Ohio), chairman of House Administration, killed it in a House-Senate conference.

Yesterday, Assistant Attorney General Dixon questioned the constitutionality of the commission proposal, on the ground that the power to detect and prosecute crimes cannot be removed from the executive branch.

Sen. Cannon criticized the department for raising constitutional questions about this and other provisions of the Commerce Committee bill without presenting a thorough, "lawyer-like" job of research.

Another major provision of the Senate Commerce bill would limit all expenditures for each federal candidate in a primary or general election to 10 cents for each voter—in a state for presidential and senatorial candidates, or in a congressional district for House candidates. In sparsely populated states there would be a floor of \$175,000 for Senate and Congressman-at-large candidates. In other states the floor for a House candidate would be \$90,000.

Common Cause, a citizens' lobby, presented data showing that if this provision had been in effect last year, the presidential candidates would have been free to

spend a total of \$139.6 million, half in the pre-convention period and half on the November election, rather than the \$82 million they actually spent.

In the November election alone, 66 Democratic and GOP Senate candidates together would have been free to spend \$36.9 million, almost half again as much as the \$25.7 million they actually spent.

The Justice Department said spending limits could unconstitutionally abridge free speech. The GAO suggested possible alternatives: public financing, making each candidate himself responsible for spending in his behalf, or a limit on individual contributions. The GAO suggested a \$3,000 limit; another suggestion was \$1,000.

The bill's other main provisions would:

- Repeal for presidential candidates the equal-time provision of the Federal Communications Act, so as to encourage broadcasters to provide free time. The President and several senators want the exemption extended to Senate and House candidates.

- Require all contributions and expenditures in presidential contests to be funnelled through the national committee of each candidate's party.

Rules Committee sources said the bill to be reported by June 22 may be broadened to include a limit on contributions, stiffer penalties for violations and an independent commission with some members chosen by the President from nominees submitted by Congress.