

ACLU Sides With GOP On Donation Secrecy

By John P. MacKenzie 11/1/72
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The American Civil Liberties Union took the side of President Nixon's campaign fund-raising committee yesterday, telling the U.S. District Court here that federal political contribution disclosure laws are unconstitutional.

In a brief filed as friend of the court, the ACLU said the 1925 Corrupt Practices Act, by which the citizen lobby Common Cause withheld its consent the names of secret Nixon donors, violates the right of individuals to make anonymous political donations.

This is roughly the same argument made by the Finance Committee to Re-elect the President and by GOP campaign officials in resisting attempts to disturb the confidentiality of more than \$10 million in donations given before April 7 under a promise of anonymity.

Lawyers for the Republican fund raisers cheerfully consented to the filing of the ACLU brief with District Judge Joseph C. Waddy, who has scheduled a trial in the lawsuit for 10 a.m. today. Common Cause withheld its consent to the filing.

The issue in the suit is whether the 1925 law, under which political committees were required to file publicly all contributions of \$100 and over, can be used to force the GOP committee to disclose the names of contributors who gave before April 7, when new reporting rules took effect under the 1971 federal election campaign act.

The fund raisers are asking Judge Waddy to rule that the old law did not cover the Nixon campaign money but that if it does, it is unconstitutional.

Both the ACLU and the Nixon lawyers cited decisions of the Supreme Court under former Chief Justice Earl Warren to back up their claims that the disclosure law sweeps too broadly, all the way down to small donors who

have relatively little impact on the political process. The ACLU and the fund raisers agreed that decisions upholding the old law were rendered before the Supreme Court recognized the chilling effect on such laws on political activity.

A Republican request to block the trial was rejected late yesterday by Chief Justice Warren E. Burger. The finance committee said the trial itself posed threats of irrepar-

able harm to the campaign. Burger said any harm could come "only from an adverse judgment," which the fund raisers could appeal.

The trial had been scheduled for yesterday but counsel for both sides twice obtained postponements from Judge Waddy. The lawyers said they were working on a "stipulation" that would accelerate the case but they refused to discuss it with reporters.