

Nixon Unit Fights Naming Of Campaign Contributors

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By BEN A. FRANKLIN SEP 30 1972
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WASHINGTON, Sept. 29 — Lawyers representing President Nixon's campaign finance committees contended in court here today that the key provisions of the new Federal Election Campaign Act — public disclosure of contributors — is an unconstitutional invasion of Republican donors' privacy and their "fundamental right" to anonymous freedom of political association.

The surprise attack on the five-month-old campaign spending law—President Nixon had praised it last February in signing it into law and as recently as last June had promised full Republican compliance — came in the United States District Court here. There, Republican lawyers lost an attempt to halt a lawsuit that would force the disclosure of the identities of donors of more than \$10-million to the Nixon campaign.

Judge Joseph C. Waddy denied the defendants' motion for dismissal after a brief hearing this morning, thus keeping open the possibility that the suit may yet be heard and the Republican fund disclosure ordered by the court before Election Day.

Avoiding this was obviously a major part of the Republicans' legal strategy today, and there was speculation in the courthouse that the constitutional issue may have been injected by the defense as much

as a delaying tactic as a substantive challenge to the new law. It offered the possibility of a time-consuming appeal all the way to the Supreme Court.

As the case stood late today, Republican lawyers said they would immediately appeal

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Judge Waddy's refusal to dismiss the suit to the United States Court of Appeals here. Should that court refuse to hear the appeal or deny it after a hearing, further argument before Judge Waddy on other preliminary issues would almost certainly consume days or weeks.

The suit was filed Sept. 6 by Common Cause, the "citizens' lobby," and its founder and chairman, John W. Gardner, a former Secretary of Health, Education and Welfare who is a Republican. It seeks an injunction that would force the Finance Committee to Re-elect the President and five other subsidiary Nixon finance groups to publish the names of donors and individual amounts of contributions received in 1971 and early this year under the former disclosure requirements of the old Federal Corrupt Practices Act of 1925.

Both Laws Involved

The constitutional issues raised by the Republicans' lawyers today were, thus, nominally against the old law, which was repealed five months ago. But the reporting and disclosure provisions of the new law are similar and Thomas P. Jackson, a lawyer with Jackson, Gray and Laskey here, who argued the Republicans' case before Judge Waddy, said later that "the force of the argument—if it's got any force—applies equally to both statutes, or perhaps more to the new one."

The hidden Republican campaign funds were collected under pressure to avoid the April 7 effective date of the new law.

Republicans from the President down have since answered the Democrats' charges of a "secret slush fund" by insisting that under the old Federal Corrupt Practices Act, which expired April 6, they had neither legal nor moral obligation to reveal the contributors of more than \$10-million. Under the new law, the four main Nixon finance committees reported the \$10-million merely as "cash on hand" as of April 7, without identification of the sources.

loopholes and ambiguities in the old law — upon which they rely for not reporting the pre-April 7 contributions — were, after all, the justification for the new reforms.

They have thus sought to distinguish the funds received before April 7 from those received and duly reported since then.

In his written motion for dismissal of the Common Cause suit and in oral argument in court today, Mr. Jackson contended that the Republicans' rights of free speech and free association in making campaign contributions were violated by the denial of anonymity contained in the Federal campaign finance law.

After denying the motion to dismiss, Judge Waddy also admitted to the case as intervenors for the defendants two major Republican contributors whose pre-April 7 gifts, have not been disclosed—persons described by Mr. Jackson as "those whose privacy the plaintiffs are seeking to invade."

The intervenors were Robert A. Collier, a lawyer here whose home is in Alexandria, Va., and Albert Bel Fay, a Houston oilman and former Republican committeeman.