

GOP Fights to Avoid Revealing Contributors

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Lawyers representing President Nixon's campaign finance committees contended in court yesterday that the key provision of the new federal Election Campaign Act — public disclosure of contributors — is an unconstitutional invasion of Republican donors' privacy and "fundamental right" to anonymous freedom of political association.

The surprise attack on the five-month-old campaign spending law — Mr. 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

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United States District Court here yesterday as Republican lawyers lost an attempt to half a lawsuit that would force disclosure of concealed donors of more than \$10 million to the Nixon campaign.

SUIT

Judge Joseph C. Waddy's denial of the defendants' motion for dismissal after a brief hearing kept open the possibility that the suit may yet be heard and the Republican fund disclosure ordered by the court before election day.

Efforts to avoid that possibility were a major part of the Republicans' legal strategy yesterday, and there was speculation in the courthouse that the constitutional issue raised 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.

APPEAL

As the case stood late yesterday, Republican lawyers said they will appeal Waddy's refusal to dismiss the suit to the U.S. Court of Appeals here.

Should that court refuse to hear the appeal or deny it after a hearing, further argument before Waddy on other preliminary issues almost certainly would consume days or weeks.

The suit was filed September 6 by the "citizens' lobby," Common Cause.

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.

MOTION

In his motion for dismissal of the Common Cause suit, GOP lawyer Thomas P. Jackson contended that the Republicans' first amendment rights of free speech and free association in making campaign contributions

were violated by the denial of anonymous giving contained in the federal campaign finance law.

"To limit a citizens' right to contribute anonymously is to limit his right to speak and petition and associate," the lawyer argued.

"There are obvious legitimate reasons why such persons may desire anonymity, and the first amendment was erected as a shield to these understandable desires. Consequently, this court must constitutionally reject plaintiffs' attempts to . . . compel disclosure of the names of individual donors to the political cause of the Republican party."

INTERVENORS

After denying the motion to dismiss, Waddy also admitted to the case as intervenors for the defendants two major Republican contributors whose pre-April 7 gifts have not been disclosed.

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

Fay's "substantial" but unreported contribution has been linked by the Washington Evening Star to \$89,000 in early Nixon campaign receipts channeled through a Mexican bank to the Republican security men accused of breaking into and bugging the Watergate headquarters of the Democratic National Committee here.