

CAMPAIGN COSTS COVER LEGAL FEES

Inclusion in Spending Limit
Ordered by Election Unit

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WASHINGTON, Oct. 16—The Federal Election Commission ruled today that the fees candidates pay to lawyers and accountants for political service come within the spending limits imposed by the new campaign law.

Dividing 4 to 2, the commission rejected an attempt to create another exception in the statute that sets an expenditure ceiling on the primary and general election campaigns of candidates for President, Vice President, the Senate and House.

The advisory opinion it approved held that spending for legal and accounting services was "at least indirectly made to influence the election of Federal candidates since one's election is jeopardized by conduct that may violate the law."

"Furthermore," it continued, "compliance clearly enhances one's candidacy and may, with good reason, be deemed to justify expenditures for the described professional services, even if the candidate must charge them against the applicable spending limit."

The dissenting commissioners were Robert O. Tiernan and John D. Aikens, who argued that the expenditure ceilings were already so tight that a candidate could not afford to hire the professional advisors he needed to insure that he complied with the law.

The commission also advised the Democratic National Committee that it could legally set up a separate corporation to administer public funds underwriting the party's national convention.

It also authorized the National Republican Senatorial Committee to transfer \$11,400 left from the unsuccessful 1972 campaign of Senator J. Caleb Boggs, Republican of Delaware, to the 1976 Delaware Republican Senate nominee, despite the statutory ceiling of \$5,000 on such committee payments.

The commission agreed informally to permit Senator Charles H. Percy, Republican of Illinois, to use the \$9,000 left in the Percy Committee, established in 1973 as an exploratory Presidential vehicle and since abandoned, to help finance his political activity as a Senator. An opinion to that effect will be approved next week.