

# Supreme Court Delays Ruling on New Campaign Law

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WASHINGTON, Dec. 16—The Supreme Court recessed until Jan. 12 today without ruling on the legality of the new campaign law, and the Federal Election Commission moved to begin paying the Federal subsidies on Jan. 2 to candidates and political parties that the law authorizes.

This immediately raised the likelihood of a second court action against the commission by its challengers, a request for an injunction against any Treasury payments under the law until the Supreme Court establishes that they are legal.

A spokesman for former Senator Eugene J. McCarthy, Democrat of Minnesota, who is one of the plaintiffs in the original suit, said it was likely that he and Senator James L. Buckley, conservative Republican, of New York, would seek to block all such payments, fearful that, once paid, the money would never be recovered.

At stake is between \$3 million and \$4 million in matching payments to nine eligible Presidential candidates to help them finance their primary campaigns, and more than \$700,000 to reimburse the Republican and Democratic Parties for early convention expenses.

## The Down Payments

Those are just the down payments, available on Jan. 2 unless a court interferes. In all, the candidates will be eligible for up to \$5 million each in matching payments and the parties up to \$2 million each for the full cost of their nominating conventions.

The challenge to the commission's power to make such payments, as well as to the imposition of contribution and spending ceilings, was argued before the Supreme Court on Nov. 10. Today was the last decision day before the Justices took a holiday recess.

Friends and foes of the commission and the new campaign law had hoped that the high court would rule today, to resolve the confusion before the first primary payments came due. But the Court often takes several months to write opinions in complicated case.

Meeting later in the day, the commission voted unani-

mously to authorize its general counsel, John G. Murphy Jr., to notify Senator Buckley, Mr. McCarthy and the other plaintiffs that the agency plans to certify some candidates for matching payments next Tuesday.

The plaintiffs has agreed to postpone filing their request for an injunction as long as the commission gave them a week's notice of any proposed certification for payment.

To become eligible for matching payments, a candidate must raise at least \$5,000

in each of 20 states in amounts of \$250 or less. The commission reported today that three more Democrats — former Senator Fred R. Harris of Oklahoma, Representative Morris K. Udall of Arizona and Gov. George C. Wallace of Alabama—had met this requirement, as required, as established by audit.

Candidates who have already qualified are President Ford and former Gov. Ronald Reagan of California on the Republican side and Senators Lloyd M.

Bentsen of Texas and Henry M. Jackson of Washington, and former Governors Jimmy Carter of Georgia and Terry Sanford of North Carolina among the Democrats.

Some candidates have run up heavy campaign debts, relying on the availability of Federal subsidies to bail them out next month. A court injunction against such payments could prove embarrassing, particularly if the Supreme Court does not rule until February or March.