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COURT COULD KILL '74 CAMPAIGN LAW

Justices, in Decision Soon, May Wipe Out Reforms on Financial Restrictions

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WASHINGTON, Nov. 16—The Supreme Court, if it chooses, can effectively demolish the formidable bulwark that Congress erected last year to protect Federal elections from the corrosive influence of big money.

If the high court accepts all the constitutional objections to the 1974 campaign law raised by its opponents, there will be nothing left of the ambitious reform program but a few unrelated and largely inoperative provisions and a handful of criminal sanctions, most of them long-standing.

The Justices may, if they take board constitutional exception to the law, wipe out all ceilings on campaign spending and political contributions by the wealthy, prohibit public subsidies for Presidential candidates and eliminate altogether the Federal Election Commission that administers the law.

Such a ruling would restore either freedom or license to the national elections, depending on one's point of view. The pivotal case was argued before the Justices for four and a half hours last week, and an early decision is expected, to establish political ground rules for the 1976 primary campaigns opening in January.

If the high court strikes down important sections of the campaign law, it would be next to impossible for Congress to agree on substitute legislation to meet the Justices' objections in time to apply to the 1976 primaries.

An adverse ruling could also have a profound impact on state campaign laws across the nation. According to Archibald Cox, the former Solicitor General who defended the Federal law before the Court, 44 states require disclosure of campaign contributions and spending, 37 impose some limits on spending and 10 provide public financing for state elections.

Legal questions at issue include whether ceilings on campaign spending and contributions impermissibly impair freedom of expression, whether disclosure laws threaten the right to personal privacy, whether the law's system of public subsidies to candidates discriminates against all minor party and independent Presidential candidates and whether the election commission, in both its creation and assigned duties, involves an unconstitutional mixture of legislative and executive powers.

Possible Tie Votes

With the midweek resignation of Associate Justice William O. Douglas, the possibility arose of a 4-4 vote on any of these issues. Such a result would leave standing the decision of the United States Court of Appeals for the District of Columbia, which upheld the campaign law in all but one relatively minor respect.

On the basis of questions and comments from the Justices during oral argument, it appeared likely that at least three provisions of the campaign law were in serious trouble. These are the following:

¶The limit of $1,000 on the amount a private citizen can spend on his own to promotf or defeat any one "clearly identified candidate" for President or Congress.

¶The requirement that all groups involved in political action make public reports of the names, addresses and occupations of every person who contributes $100 or more.

¶The requirement that individuals who spend $100 or more of their own money for or against a candidate but do not contribute to a candidate or political committee must file quarterly reports with the commission.

In addition, the Court has a wide range of alternate choices in reshaping the campaign law. A majority could rule out public subsidies for the general election while upholding them for the primaries. It could strike down limits on contributions but retain them for over-all candidate spending.

If the Court should brand unconstitutional the provisions for Federal matching funds for primary candidates, the result could be catastrophic for a number of them who have been relying heavily on the availability of this money early next FOURTH & LAST AD ELECT

If the high court invalidates all sections of the law that its critics attacked, candidates would still be required to report campaign expenditures but the agency to receive them would be abolished.

Similarly, the Presidential election campaign fund, financed by $1 checkoffs by income tax payers, would remain in existence in the Treasury Department, but no subsidy payments could be made out of it.

Ironically, one of the few new provisions of the law that is certain to survive—because it is not challenged in the pending lawsuit —is one of the most controversial, a section that permits corporations and labor unions to spend unlimited amounts of their own money for certain kinds of political activity.