

Rep. Hays, Formerly Chief Foe, Backs Federal Election Agency

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By RICHARD L. MADDEN FEB 19 1976

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WASHINGTON, Feb. 18 — The leading Congressional critic of the Federal Election Commission reversed himself today and proposed legislation to continue the agency in operation.

The announcement by Representative Wayne L. Hays, an Ohio Democrat, the chairman of the House Administration Committee, appeared to improve greatly the chances that Congress would act relatively quickly to reconstitute the commission after last month's Supreme Court ruling that deprived it of its authority.

Mr. Hays, who previously advocated abolishing the commission, told a news conference that President Ford had indicated support by telephone to an outline of Mr. Hays's pro-

posed legislation except for one provision.

"I think this is a package that will fly," Mr. Hays said.

Supporters of continuing the commission expressed surprise and pleasure at Mr. Hays's announcement. "It's almost stupefying," said one key Congressional aide who had been working to draft similar legislation.

"We are very pleased to see

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him come around. We'll be anxious to see the final language," said a spokesman for Common Cause, the self-styled citizens lobby that has been campaigning to preserve the commission.

In its ruling Jan. 30, the Supreme Court gave Congress until March 1 to restructure the commission to make its six members appointed by the President. At present a majority of the commission is appointed by Congress, and because of this the court said the agency lacked the constitutional authority to exercise its powers to enforce the Federal election laws.

Unless the commission is reconstituted, the agency will lose all its major powers, and Federal campaign subsidies to Presidential candidates and for the major party nominating conventions will stop.

Asked to explain his switch, Mr. Hays told reporters: "Well, I am a great pragmatist."

Mr. Hays said that after discussing the issue with many of his Congressional colleagues he had found that "it is a better solution to retain the Federal Election Commission with more stringent guidelines as to its business conduct."

Other congressional sources said that momentum appeared to be gaining within the House to continue the commission and that Mr. Hays might have lost a fight on the House floor to abolish the agency.

Mr. Hays said his staff was still drafting the language of the bill, but he said its major provisions would include the following:

The President would be authorized to appoint all six members of the commission, subject to confirmation by the Senate, and the agency would have primary jurisdiction over the reg-

ulation of political campaigns.

¶The agency would be required to correct violations by a process of conciliation; no civil or criminal proceeding candidate if a conciliation agreement had been reached.

¶The commission would be prohibited from starting investigations based on anonymous complaints, and at least four of the six commissioner would have to authorize an investigation or any legal action.

¶The agency would be required to promulgate regulations from its advisory opinions within 30 days, and Congress could continue to veto these regulations.

¶A political advertisement would be required to state whether it was authorized by a candidate or to bear the name of the person who financed it.

¶Corporate political action committees would be limited to solicit funds from management employees or stockholders and not all employees, and such funds would be limited to one committee for each corporation or subsidiary.

Mr. Hays said the last provision, limiting corporate political action committees, was the one part of the legislation that Mr. Ford disliked. Last November the commission had authorized the Sun Oil Company to collect voluntary contributions from its shareholders and employees and to distribute the money among candidates as it saw fit.

Congressional sources said that Mr. Hays's legislation encompassed almost all the provisions of a compromise bill that had been worked out in recent days by Representative John Brademas of Indiana and Frank Thompson Jr., of New Jersey, both Democrats, and by representatives of organized labor. Labor lobbyists reportedly favored continuing the commission but were concerned about the possible proliferation of corporate political action groups.

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