

Election Panel's Stay Of Execution

Washington

The Supreme Court gave Congress three extra weeks yesterday in which to either reconstitute the Federal Election Commission to meet the standards set by the court last month or see it stripped of most of its powers.

The court's action, by vote of 7 to 1, means that presidential contenders will continue to receive federal subsidies at least through the next four primaries.

Under the original deadline the commission would have lost its power to certify subsidies, as well as its rule-making and most of its investigatory powers, next Monday.

Whether the court's action means that Congress will enact legislation in time to avoid a cut-off of the subsidies is unclear.

The new deadline is the "close of business day" on March 22. Action has already begun in both the Senate and the House to enact a new law. President Ford called on Congress yesterday to quickly enact his proposal for new legislation.

Mr. Ford also said that he would veto "any bill that will create confusion and will invite further delay and litigation."

Mr. Ford contended that "most of the bills now being considered in the Congress would introduce great uncertainty into the campaign process."

The problem stems from the fact that in order to satisfy the Supreme Court's standards, only a simple change is required in the law, whereas some members of Congress are anxious to include, in any new campaign legislation, various limits on the commission's authority and also some changes in rulings that the commission has issued.

The court, essentially, faulted the manner in which members of the commission are selected. Of the six commissioners, two were selected by the President; two by the President pro tempore of the Senate, and two by the Speaker of House.

Many of the commission's powers, the court reasoned, are powers generally reserved for the executive branch of government. Thus, the court said, commission members should all be selected in the manner that the constitution specifies for selection of executive officers: appointment by the President.

To satisfy this defect, Congress need only pass a statute providing that all members of the commission are to be appointed by the President, with the consent of the Senate.

The Senate rules committee approved Thursday a bill with

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additional provisions. The House administration Committee has been working on a lengthy proposed bill with various changes and will meet on it Monday.

The Supreme Court in its original decision stayed the effect of the portion of its ruling dealing with the commission for 30 days specifically so that Congress would have time to remedy the situation. It quickly became apparent, however, that Congress would not act within the period.

Thursday, as the deadline approached, three of the parties in the original litigation over the campaign legislation — the Center for Public Financing, Common Cause, and the League of Women Voters — asked the court for another 30 days. Senator Howard W. Cannon (Dem-Nev.), chairman of the Senate rules committee, and Senate majority leader Mike Mansfield then wrote to Chief Justice Warren E. Burger supporting the motion for an extension.

Yesterday the Democratic National Committee and campaign committees for six of the Democratic primary contenders filed legal papers at the court supporting the request. The Democratic committee and the committees for Sargent Shriver, Birch Bayh, Milton Shapp, Frank Church, Morris Udall and Jimmy Carter said they would be "irreparably harmed" by a cut-off in the subsidies.

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