

Democrats in House Drop U.S. Election Counsel Plan

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By RICKARD D. LYONS FEB 11 1976

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WASHINGTON, Feb. 10—The House Democratic leadership today forced the scrapping of legislation to create a Federal elections czar.

Both the House Speaker, Carl Albert of Oklahoma, and the majority leader, Thomas P. O'Neill of Massachusetts, said they opposed a major provision of a bill introduced yesterday by three Democrats that would have set up a Federal election counsel who would have the power, rather than the F.E.C., to enforce laws governing campaign practices.

The bill was said yesterday to have had the tacit approval of the leadership, but Mr. O'Neill told a news conference today that "it was apparent that the prosecutor idea will meet a tremendous amount of opposition on the floor of the House."

The prosecutor, described in the bill as Federal election counsel, would have been appointed by the President subject to confirmation by the Senate. He would have been authorized to fill both civil and criminal suits against violators of the campaign laws.

Mr. O'Neill said the legislation was being rewritten by its authors, Democratic Representatives Frank Thompson of New Jersey, John Brademas of Indiana and Timothy E. Wirth of Colorado.

Other Bills Introduced

Their bill is one of a dozen introduced in Congress to restructure the F.E.C. within the constitutional limits set forth by the Supreme Court on Jan. 30.

The court upheld most of the provisions of the Federal campaign financing law of 1974 but found that the commission's membership violated the separation of powers provisions of the Constitution. The decision said that the F.E.C. must either be restructured by March 1 or lose all but a few of its powers.

With but 19 days remaining to implement the order, and the Senate in recess until next week, the House Administration Committee, which has jurisdiction over F.E.C. legislation, met today to resolve the problem.

But the committee's chairman, Representative Wayne L.

Hays, the Ohio Democrat and who wants the F.E.C. to expire, devoted most of the meeting to renewing charges that the commission's regulatory arm had been "running amok."

As an example, Mr. Hays made public documentation that the F.E.C. had investigated nine charges of campaign law irregularities that were made last year against Representative Willis D. Gradison, Republican of Ohio.

Ronald R. Roberts, Mr. Gradison's administrative assistant and campaign manager, testified that the charges were "frivolous" and had been dropped after a seven-month investigation by F.E.C. officials.

Mr. Roberts said the result had been bad publicity for Mr. Gradison and that he had had to pay "between \$15,000 and \$20,000 in legal fees to defend himself against the charge brought by supporters of his opponent in the last election.

Inquiry on 'Nitwits'

Mr. Hays said that the incident was further evidence that the F.E.C. had run "hog wild" in investigating capricious charges of misconduct by political candidates.

"You can get some nitwits in anybody's district to sign a complaint like this," Mr. Hays said.

Mr. Gradison's opponent in the contest, former Representative Thomas A. Luken, insisted in a telephone interview from Cincinnati that the charges were not frivolous. Mr. Luken said that Mr. Gradison had filed some campaign reports late and had omitted disclosing some expenditures.

After discussing the Gradison case the committee considered the F.E.C. legislation for an hour in closed session, but broke up without reaching a consensus. The 24-member Democratic Steering and Policy Committee, which earlier in the day approved a resolution calling for "speedy legislative action" to resolve the issue, is awaiting committee action. But no further movement is expected until next week.

Meanwhile, the moribund F.E.C. reminded Presidential candidates that starting today they had to file monthly advance reports, the first of which was due today.