

CoDEL
P.O. Box 649 Copper Station
New York, N.Y. 10003

January 23, 1975

TO CoDEL CHAPTERS:

Dear Friends,

Enclosed is the new Committee for Democratic Election Laws (CoDEL) flyer updating the activities CoDEL is currently involved in. It will be useful in publicizing CoDEL, expanding lists of local CoDEL endorsers, and raising funds for both local and national CoDEL throughout the spring.

The central national activity of CoDEL at this time is support work for the challenges to the campaign disclosure laws on behalf of the Socialist Workers campaign committees. These include the suit against the Federal Election Campaign Act of 1971, with the national campaign committee and 24 local committees as plaintiffs, and numerous challenges to state disclosure laws. A summary of the challenges already in progress is included with this letter.

In addition, the California chapters of CoDEL are actively supporting a suit seeking to invalidate the restrictive ballot requirements in that state, which currently require 630,000 signatures of registered voters or the party registration of 63,000 voters to qualify for the ballot. The plaintiffs in this suit include the SWP, Socialist Labor Party, Los Angeles County Central Committee La Raza Unida Party, Prohibition Party and Feminist Party.

On January 3 a ruling granted the plaintiff's motion to convene a three-judge panel to hear this case. Once a hearing date is set, CoDEL will want to launch a national campaign to publicize and garner support for this very important case. A victory in California could provide a valuable precedent for smaller parties in other states with highly prohibitive signature requirements.

The Chicago chapter of CoDEL is working to insure the 65,000 signatures collected to place SWP mayoral candidate Willie Mae Reid on the ballot are certified. Statements of support are being gathered and the signatures will be filed next week.

Enclosed is an article from the Common Cause Report From Washington attempting to justify their active opposition to the Socialist Workers campaign committees' challenges to the disclosure laws. This is the first time that Common Cause has informed its membership of this undemocratic stand. Their latest maneuver was to petition to intervene on the side of the government in the challenge to the Texas disclosure law. CoDEL supporters will want to continue confronting Common Cause representatives with the Open Letter to Common Cause wherever possible.

Also enclosed is an editorial from the Des Moines Tribune.

CoDEL chapters should be sure to send reports, names of new endorsers, and copies of any publicity materials to the national CoDEL office. The CoDEL flyers may be ordered at a cost of \$2/100.

In solidarity,

Nancy Cole

Nancy Cole

**SUMMARY OF LEGAL STATUS OF CHALLENGES TO DISCLOSURE LAWS
ON BEHALF OF THE SOCIALIST WORKERS CAMPAIGN COMMITTEES**

FEDERAL: Suit was filed in September 1974. Judge denied request for three-judge panel to consider constitutional questions involved. Decision was upheld in appeals court in January 1975. Judge also granted Common Cause motion to intervene on side of government. No date set for hearing of the case before the federal judge.

CALIFORNIA: Suit was filed in September 1974. In response to a countersuit by the state to force the Socialist Workers campaign committees to comply with disclosure law, a Los Angeles County Superior Court judge ruled the committees have to turn over contributors' names in a sealed envelope, which would remain sealed pending outcome of litigation. Committees were granted a stay while appealing this decision. Judge denied Common Cause petition to intervene as defendant.

1975 committees have requested hearing under new law, Proposition 9, which goes into effect February 1975.

COLORADO: Suit was filed in October 1974. No date set for court hearing. Committee does not have to disclose contributors' names during litigation according to stipulation granted by judge.

MICHIGAN: Suit filed. Case is now in pretrial discovery to uncover Michigan instances of harassment and surveillance.

MINNESOTA: 1975 committee now considering exemption request since 1974 decision of State Ethics Commission applied only to 1974 committee.

NEW YORK: Committee requested hearing to consider exemption in October 1974. No answer received yet.

OHIO: Suit was filed in October 1974. Temporary restraining order granted re non-disclosure of contributors' identities. No hearing date set.

OREGON: Committee filed motion for declaratory judgment granting an exemption from disclosing. State filed motion for court ruling ordering the committee to comply with law. A December hearing to consider joining the motions gave the committee 15 days to file a brief presenting reasons for exemption. This was filed on January 15. The state has 15 days to file its answer.

TEXAS: Suit filed in October 1974. No hearing date set.

WASHINGTON: After Public Disclosure Commission voted to deny committee's request for exemption, the committee petitioned superior court to reopen hearing. This was denied. The attorney general has issued "proposed findings" for the PDC to consider. If the PDC accepts these findings, the committee will file suit.

WASHINGTON, D.C.: Suit filed in January 1975.

Note: All cases currently in court are being handled by the ACLU, except for Oregon where the committee is represented by the Northwestern Legal Clinic.

January, 1975

Campaign Disclosures At Issue

Socialist Workers Question Common Cause

Members of the Socialist Workers Party have been popping up at Common Cause meetings with harsh questions about our support of civil liberties. The issue centers on the Socialist Workers' legal efforts against disclosing the names of campaign contributors to their candidates.

The ACLU is representing the Socialist Workers Party (SWP) in lawsuits challenging the disclosure laws as unconstitutional. The Socialist Workers claim that if their contributors are disclosed, those contributors will be subject to governmental harassment.

The Wrong Approach

Common Cause believes the Socialist Workers are aiming at the wrong target by challenging disclosure laws, and so we have entered the legal battle on the side of existing campaign disclosure laws, federal and state. In each case the Socialist Workers have tried to deny Common Cause the right to intervene.

Common Cause
Associate General Counsel
Kenneth Guido, Jr.
defends campaign
disclosure laws.



Common Cause in no way condones any harassment of private citizens for their political views. We believe the proper approach for the SWP is to take direct legal action against government harassment. They should diligently pursue the case they have already filed against the FBI to stop that agency's acts against SWP members and contributors.

By attacking the constitutionality of campaign finance laws, we believe, the Socialist Workers have

gone off on a tangent. If they were to succeed, they would invalidate laws designed to prevent future Watergates and still not effectively prevent government harassment.

Some people ask why so poor a party as the SWP need disclose its contributions. The answer is that any small party could be secretly financed by a major party or candidate to drain votes from an opponent. CREP, the Nixon re-election committee, used such secret financing in 1970 to back George Wallace's opponent in the Democratic party's gubernatorial primary. The idea was to damage Wallace's 1972 Presidential prospects. Such backdoor financing would again be possible if small parties are not required to disclose their contributors.

Court Challenges

The Washington State Public Disclosure Commission recently rejected a plea from the Socialist Workers for exemption from the campaign reporting requirements on grounds "it would frustrate the purposes of the public disclosure law." The SWP has filed other challenges to the disclosure laws in the District of Columbia, California, Colorado, Michigan and Texas, and more suits can be expected.

The Socialist Workers have urged CC to reverse its position of requiring disclosure of political contributors. Common Cause, however, believes there is an overwhelming need for disclosure of campaign contributions to all parties, if our electoral system is to work.

To attack disclosure statutes to prevent FBI harassment would in no way prevent the type of harassment that was already taking place before passage of the new campaign finance laws. Such tactics can only be ended by successful litigation against those responsible—as in the SWP suit against the FBI.

STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION
(required by the Act of Aug. 12, 1970, section 3685, Title 39, U.S. Code)

1. Title of publication: Common Cause Report from Washington. 2. Date of filing: Oct. 31, 1974. 3. Frequency of issue: 10 months a year. 4. Location of known office of publication: 2030 M St., N.W., Washington, D.C. 20036. 5. Location of headquarters or general business offices of the publisher: same. 6. Names and addresses of publisher and editor: Common Cause, 2030 M St., N.W., Washington, D.C. 20036; Georgianna Rathbun, same. 7. Owner: Common Cause. 8. Known bondholders, mortgagees, and other security holders owning or holding 1% or more of total amount of bonds, mortgages or other securities: none. 9. and 10. not applicable. 11. Extent and nature of circulation: Average number of copies each issue during preceding 12 months: A. Total no. copies printed: 325,500; B. Paid circulation: 1. Sales through dealers, street vendors, etc.: none; 2. Mail subscriptions: 313,000. C. Total paid circulation: 313,000. D. Free distribution by mail, carrier or other means: 1. Samples, complimentary, and other free copies: 5,500; 2. Copies distributed to news agents, but not sold: none. Total distribution: 318,500. F. Office use, left-over, unaccounted, spoiled after printing: 7,000. G. Total: 325,500. I certify that the statements made by me above are correct and complete: (signed) Robert Meier, Treasurer.

DES MOINES TRIBUNE, editorial

December 9, 1974

Des Moines, Iowa

Too Much Disclosure?

Federal and state campaign disclosure laws are coming under fire because of their impact on unpopular political organizations. Suits on behalf of the Socialist Workers Party have been filed challenging the federal law and similar laws in the states of Washington and California.

The measures require disclosure of contributors to candidates and political organizations. The federal law makes it obligatory for the government to be given the name, address and place of occupation of each contributor of more than \$100. Records available to the government also must be kept on all contributors of more than \$10.

The Democratic and Republican parties are regarded with respect and contributors to the parties and their candidates usually experience no harm from disclosure. Some radical groups, however, are subject to surveillance and harassment. The FBI, for example, is known to have attempted to infiltrate the Socialist Workers Party. A spokesman for the party declared:

"For us to turn over names of our contributors means to supply the government with ready-made lists of individuals who will only become new targets for . . . harassment."

The Iowa law requires every political committee receiving more than \$100 to keep records showing the names and addresses of persons contributing more than \$10. Disclosure must be made of contributors if they give more than certain amounts. The amounts triggering the disclosure requirement vary from \$25 to \$100, depending on the office sought.

The American Civil Liberties Union, which is backing the Socialist Workers Party in its challenge of the disclosure laws, charges that they infringe freedom of speech and association and the right of privacy.

There clearly is greater need for disclosure of large contributions that can influence officeholders than for disclosure of token contributions. There also is substantially greater risk in disclosure for supporters of fringe political groups.

The government has an interest in encouraging radicals and other dissidents to participate in the electoral process. Campaign disclosure laws conceivably could discourage some groups from running candidates for office. Lawmakers would do well to consider modifying the laws as they apply to fringe groups if the courts uphold the laws.