

14 Charles Lane
New York, N.Y. 10014
November 13, 1974

TO ALL ORGANIZERS

Dear Comrades,

As you can see from the enclosed letter to CoDEL sponsors, CoDEL is organizing public support for the national ACLU suit against the application of campaign disclosure laws to the Socialist Workers campaign committees.

CoDEL chapters and activists around the country are making plans to publicize and build support for the national ACLU suit. Each branch will want to help organize or reactivate CoDEL chapters and support CoDEL activities, both around the national suit and disclosure suits in your local area.

These activities include:

1. Obtaining signers for the open letter to Common Cause, including members of Common Cause, political figures, professors, labor union officials, and others.

2. Expanding local lists of CoDEL endorsers, drawing attention to CoDEL's support to the disclosure law challenge.

3. Ordering and distributing literature from the Political Rights Defense Fund, which documents government harassment of Socialist Workers campaign supporters, the basis for the anti-disclosure suits.

4. Raise funds to support the local and national activities of CoDEL. Of course, CoDEL will make it completely clear that the ACLU is paying the legal expenses of the disclosure cases. CoDEL fundraising is only for the purpose of covering the expenses of its publicity expenses, and the expenses it incurs in other, CoDEL sponsored, cases.

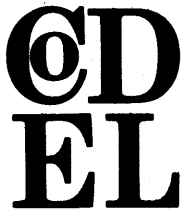
CoDEL activists will want to inform the local ACLU of all plans for activity, and make sure that these plans in no way conflict with any plans the ACLU may have to publicize or raise funds for these cases.

Reports on CoDEL activities, clippings, and names of local sponsors should be sent to the CoDEL national office, P.O. Box 649, New York, New York 10003.

Comradely,

Doug Jenness

Doug Jenness
National Campaign Director



Leonard B. Boudin
 General Counsel
Ron Reosti
 Legal Director
Judy Baumann
 National Secretary

13 November 1974

Dear CoDEL Sponsor,

The American Civil Liberties Union has filed a very important lawsuit on behalf of the Socialist Workers Party. The suit challenges the disclosure provisions of the 1971 Federal Election Campaign Act as they apply to the SWP. The challenge is based on the fact that the government has admitted that it attempts to disrupt the SWP and harasses its members and supporters.

This suit protects our right to hear the views of parties such as the SWP. If allowed to stand, the forced disclosure of SWP contributors would aid and abet the FBI and other federal agencies in their efforts to prevent this party from expressing its views.

The ACLU is also handling the legal challenges to state laws which raise the same issue. The ACLU is covering the legal expenses of both the state and federal challenges.

Literature is enclosed which outlines the issues involved in the ACLU suits more completely. Also enclosed is a copy of an open letter to Common Cause, which I hope you will read and consider signing.

A new CoDEL brochure which will include information about our support to the ACLU's disclosure suits will be out soon as will literature reporting on the legal status of election cases around the country.

Of course, while CoDEL will be helping to publicize the issues in the ACLU disclosure suits, we will also continue with our support to other legal actions such as the case that our California chapter has filed against the restrictive ballot laws in that state.

Funds are needed to carry out this CoDEL work. Please contribute whatever you can.

Sincerely,


 Judy Baumann

ENDORSEES, partial list

- Dr. Ralph Abernathy
- Bella Abzug
- Bettina Aptheker
- Brenda Howell Barrett
- Carol Bellamy
- Eric Bentley
- Ann and Carl Braden
- Marge Buckley
- John Businger
- California Peace and Freedom Party
- Charles Cassell
- Noam Chomsky
- Richard X. Clark
- Bert Corona
- Armand Derfner
- Ronald Dellums
- James P. Dixon
- Luis Fuentes
- Ruth Gage-Colby
- Arthur Galston
- Charles Garry
- Rodolfo Corky Gonzales
- Ernest Goodman
- Jose Angel Gutierrez
- Dorothy Healy
- Julius Hobson
- Linda Jenness
- Florynce Kennedy
- Morris Kight
- Sidney Lens
- Salvador Luria
- Florence Luscomb
- Dwight Macdonald
- Eugene McCarthy
- Seymour Melman
- Kate Millett
- Stewart Mott
- Northern California Women's Political Caucus
- Paul O'Dwyer
- Peoples Party
- Dr. Barbara Roberts
- Socialist Workers Party
- Benjamin Spock
- Frank Thompson
- Edith Tiger
- Dalton Trumbo
- George Wald

Committee for Democratic Election Laws

156 Fifth Avenue Rm. 701 New York, N.Y. 10010 (212) 691-3495

Campaign Disclosure Laws

Threat to Civil Liberties

Open Letter to John Gardner, Chairman, Common Cause

On September 10, the American Civil Liberties Union filed suit in federal court to have provisions of the Federal Election Campaign Act of 1971 requiring disclosure of the identities of contributors declared unconstitutional as applied to the Socialist Workers campaign committees. The suit states that the law violates freedoms of speech, association, and political anonymity by requiring the Socialist Workers campaign committees to turn over to the government the names and addresses of supporters of their candidates.

By its own admission, the U. S. government has conducted various programs of surveillance and disruption of the Socialist Workers Party since 1945. People associated or identified with the SWP have been subjected to illegal wiretapping; mail tampering; loss of jobs; FBI interrogations of friends, relatives, landlords, and school authorities; and violence. Disclosure of contributors of the Socialist Workers campaigns will provide the FBI and other police agencies with ready-made "enemies lists" for further spying, harassment, and attempts at intimidation.

Common Cause has placed itself in opposition to this effort by the SWP to protect the constitutional rights of its members and supporters. In both Washington state and Minnesota, where the Socialist Workers campaign committees have requested exemptions from the state disclosure laws, Common Cause has actively intervened to oppose exemption, insisting that the "public's right to know" supersedes any violation of civil liberties involved.

In a letter to the Minnesota State Ethics Commission, Kenneth J. Guido Jr., associate general counsel for Common Cause, claims that an exemption for the SWP could create "a dangerous loophole that would destroy the compelling interest underlying the statute," which is to "cleanse the political process of the potentially corrupting influence of money." But contributions to the Socialist Workers campaign committees have no connection whatsoever to the corrupting influence of the giant corporations who finance the campaigns of the Democrats and Republicans. Shielding contributors to the SWP from harassment and surveillance by the FBI, local police, or employers would in no way "set a precedent" for keeping secret the contributions of the executives of ITT or the dairy lobby.

Common Cause further argues that the SWP should seek to halt the illegal harassment and surveillance by other means, such as the suit the SWP has filed seeking an injunction against these unconstitutional government acts, *rather than* challenging the disclosure requirements. But this argument doesn't hold water. The SWP's suit against FBI spying was filed more than one year ago, but because of repeated government "stonewalling" and stalling, it is still only in its preliminary stages. There is no way of telling how long the government will be able to drag this case out, nor how compliant the courts will be with the administration's specious claims of the need to protect "national security" against dissenters.

But until this action brings relief in the undetermined future, according to the current Common Cause position, SWP supporters must be willing to submit themselves to having an FBI file opened on them, or their phones tapped, or their mail

(over)

opened, or their landlords and employers visited, as the price for exercising their constitutional rights to support the candidates of their choice.

The Socialist Workers campaign committees would have no objection to disclosing the names of their contributors *if and when* this government harassment ends. Until that time, it is an outrageous violation of the democratic rights of the Socialist Workers campaign committees, and those wishing to contribute to them, for the government to demand reports listing the names, addresses, occupations, and places of employment of contributors—lists which will be incorporated into these programs of harassment.

Common Cause has a reputation as a firm defender of the rights of the American people. For this reason it is particularly disturbing to us that on this issue you are using the prestige and resources of Common Cause to bolster a position squarely in conflict with basic civil liberties. We urge you to reverse your position and join the ACLU in supporting the rights of the Socialist Workers campaign committees to be exempted from the disclosure provisions of the campaign finance laws.

Signers:

(Partial listing)

MIGUEL ANGEL, La Raza Studies,
Laney College
RICHARD BENNETT, editor, Minn.
Fed. of Teachers Action
PHILIP BERRIGAN
ABE BLOOM, Nat'l Peace Action
Coalition
State rep. PERRY BULLARD, Mich.
Dr. NOAM CHOMSKY
Rep. JOHN CONYERS, Mich.
DAVID CREQUE, exec. board, Alameda Central Labor Council
Rep. RONALD DELLUMS, Calif.
KATHLEEN FOJTIK, Washtenaw
 Cty. Bd. of Commissioners, Mich.
AVIS FOLEY, Minority Rights Chairwoman, Minn. Women's Political
Caucus

SANFORD GOTTLIEB, exec. dir.
SANE
DAVID GRACIE, Urban Missioner,
Episcopal Diocese of Pa.
VINCENT HALLINAN, atty.
MAXINE JENKINS, SEIU local 400,
San Francisco
EUGENE McCARTHY
JAMES McDERMOTT, Human Rights
Dir., Minn. Fed. of Teachers
MARCUS RASKIN, co-dir., Institute
for Policy Studies
Dr. MULFORD Q. SIBLEY, Univ.
of Minn.
State sen. ALLAN SPEAR, Minn.

Organizations for identification only

Help Distribute the Open Letter

Send me _____ copies of the Open Letter. Enclosed is \$_____ to cover the cost of the leaflets (2 cents each on bulk orders of 25 or more).

_____ Please add my name as a signer to the Open Letter to John Gardner.

Name _____
Address _____
City _____ State _____ Zip _____
Organization _____

Return to the Committee for Democratic Election Laws (CoDEL), P.O. Box 649, Cooper Station, New York, N.Y., 10003, Tel. (212) 691-3270

Editorial/Opinion Page

— Editorials —

The SWP victory

WE have on another occasion expressed reservations about the exemption in the new state elections disclosure law for supporters of parties who run the risk of "economic reprisals, loss of unemployment or threat of physical coercion" if their political connections are exposed.

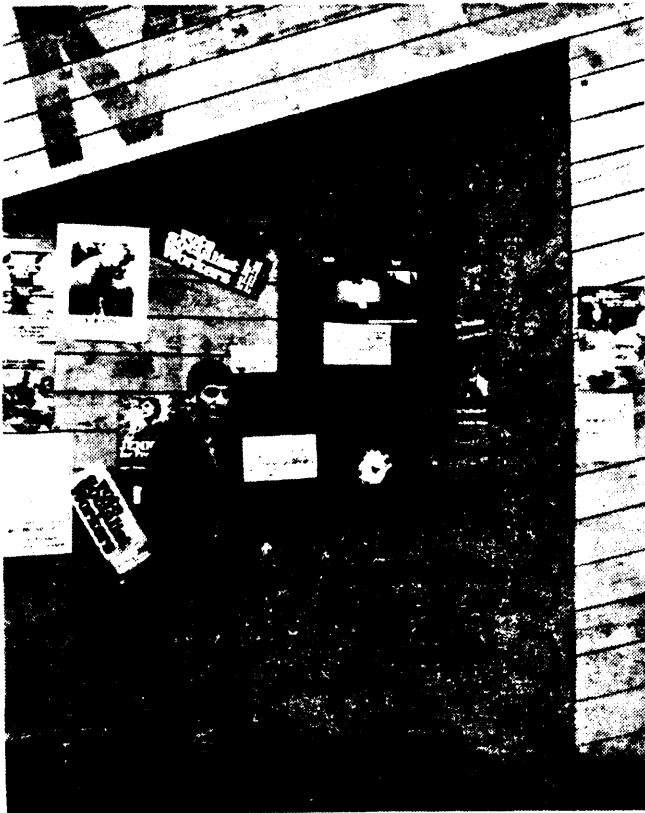
The provision for possible exemption is, of course, based on a line of Supreme Court cases that recognize the need for a right of privacy protecting membership in unpopular groups. The reasoning in the cases is that the exercise of free speech and association will be destroyed if governmental bodies and police can track down at will any political dissenters who have committed no crimes. In fact, one of the early cases involved not left-wing but right-wing radicals.

But this concept of protection against invasion of privacy competes in the "post-Watergate morality" era against the public's right to know who is supporting, and possibly influencing, political parties and candidates. So we are leery of exceptions to the disclosure principle. But while we have taken the position that the latter is important we also recognize that the Legislature had groups like the Socialist Workers Party (SWP) in mind. Consequently, we agree as a matter of legal interpretation with the Minnesota Ethics Commission decision granting the SWP exemption insofar as the names of individual donors or lenders are concerned. This was less than the SWP asked, but it gained its main objective.

The broader aspect of the case reaches two points. One is that the SWP victory can be cited as a precedent in a federal and other state cases where the SWP is seeking exemption from disclosure on a general privacy ground. The other important aspect of this case is that the bipartisan commission found believable the allegations that the FBI harasses the SWP habitually.

The FBI refused to testify, so SWP charges against the FBI stood alone. Inasmuch as the SWP presidential ticket got only 940 votes in Minnesota in 1972 we find it hard not to agree that the party is being watched for ideological nonconformity rather than because it presents clear and present danger of revolution.

editorials



Harassment takes the form of a bullet hole through the glass at Socialist Workers headquarters in Seattle.

Free speech and staying free

For too long the right of free speech in this country has been extended only to those who happen to be in agreement with the majority. All too often, that's the way our democracy works.

But what is right for the majority isn't necessarily right for everyone. There comes a time when we have to listen to the little voice we so desperately ignore—the voice we scoff at and refuse to agree with.

We don't have to agree, but we have to listen. Because the minute we tell someone else to shut up, we lose a little of our own freedom.

The Socialist Workers Party is attempting to seek exemption from sections of the Public Disclosure Law requiring them to reveal names of their contributors. They intend to take their case before the Public Disclosure Commission in Olympia on October 15 and 16, contending that the disclosing names of contributors leaves them open for harassment by local, state and federal agencies.

In some cases the harassment is so severe and widespread that Socialist party supporters fear economic reprisals, loss of employment and threats of physical coercion.

Besides having 30 separate affidavits from harassed supporters, the SWP has other evidence to confirm their allegations:

—recent government admission of an FBI "SWP Disruption Program," carried to the extent that a New Jersey high school student became the subject of an intensive FBI inquiry as a result of having written a letter to the SWP seeking information for a school assignment.

—Government answers to interrogatories in litigation of SWP v. Nixon et al. admit utilizing illegal wiretaps against SWP since 1945.

The Public Disclosure Law is good in almost all instances where it is applied. In this case, however, it constitutes an obstruction to the right of the American people to hear all political views and decide for themselves what they want to believe.

The question here is not whether the Socialist conviction is right, but whether they have a right to their own conviction.

Before you answer, remember **your** freedom of speech and choice may be next on the chopping block.

Wendy Walker

A Challenge to a Bad Reform

Campaign disclosure laws were enacted to expose the identities of big contributors in order to prevent them from later receiving special favors from one of the major parties they help to elect. The laws should not intimidate persons from supporting or working for unpopular minority parties or help the government and other opponents harass those who do.

Yet, in the case of the Socialist Workers Party, intimidation and harassment are exactly what would happen if the organization's campaign committees complied with federal and state regulations. To prevent this, the ACLU has filed suit on behalf of the SWP against government officials on both federal and state levels charging that the campaign disclosure laws violate a number of constitutional rights, including freedom of speech and association and the right of privacy.

The major lawsuit, handled by the national ACLU, is against certain provisions of the Federal Election Campaign Act of 1971. Separate lawsuits by a number of affiliates, including the Southern California ACLU and the Washington CLU, challenge the specific practices in those states.

The federal statute requires campaign committees to periodically turn over to the government the name, address, and place of occupation of each contributor of more than \$100, as well as the names of those receiving more than \$100 from the committees. Also, records must be kept on all contributors of more than \$10, and these records must be made available to the government.

"These requirements are outrageous," the cochairman of the Socialist Workers 1974 National Campaign Committee said at an ACLU news conference in September. "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."

There is ample evidence of this harassment. The FBI has already admitted to conducting an "SWP Disruption Program," including attempts at infiltration, and the use of electronic surveillance and mail covers.

The mail covers were first revealed through an ACLU lawsuit in which the New Jersey affiliate defended a high school girl who wrote to the SWP requesting information for a term paper, only to have her letter intercepted by the FBI. An agent investigated the girl, Lori Paton; and even after the case was dropped, a report stayed in FBI files under her name with the notation "SM-SWP" meaning "subversive matter—Socialist Workers Party."

The judge, declaring that the FBI had no legal justification for keeping such a file, recently ordered all of Lori Paton's records removed and destroyed. He said that "the existence of those records may at a later time become a detriment" to the 17-year-old girl. The ruling was unique, but only a partial victory.

"While we're happy for Lori that the records will be destroyed," explained ACLU cooperating attorney Frank Askin, "we think the decision is inadequate. It means the FBI can continue to interfere with political inquiry and keep records on innocent people."

If the FBI investigates "innocent" letter writers, what do they do with equally innocent, though more involved supporters of the SWP?

In Washington, one of the states where the ACLU affiliate has filed a separate suit, it is evidently standard procedure for

the FBI to obtain SWP nominating petitions from the state and to use them as the agency sees fit. Thus, a naval air station employee who signed such a petition in 1972 was forced to resign by her employer who had received a copy.

In addition to official harassment and surveillance, the SWP has been subject to acts of violence from unknown persons. For example, four years ago in Los Angeles, where another affiliate suit was filed, a dozen armed men raided the SWP campaign headquarters and set fire to the premises.

Given such a history, the ACLU wants the courts to declare the campaign disclosure acts unconstitutional as applied to the SWP. The harm to individual liberties is too great while the reform benefits are almost nonexistent.

"No one suggests contributions to the SWP could purchase road-building contracts, hikes in mild prices or ambassadorships," Aryeh Neier, ACLU executive director, wrote in a letter to the *New York Times*.

Provisions calling for the reporting of small contributions should be eliminated altogether, because as we have learned \$10 to \$100 is not the going price range in a corrupt party of power.

"Laws limiting disclosure to contributions which could actually purchase corruption," Neier wrote, "would clean up the electoral process and would minimize the damage to privacy and freedom of association. We hope our suit will force legislators to draw disclosure laws accordingly."