FECA Amendments Unconstitutional

The series of amendments to the Federal Election Campaign Act which became effective April 7, 1977 radically alter the intent and form of the original Act, and surpass the original act's dubious constitutionality with blatant violations of the First and Fourteenth Amendments and Article IV, Section 4 of the Constitution.

U.S. Supreme Court Chief Justice Burger, in his dissenting opinion on the Supreme Court's efforts in *Buckley v. Valeo* to review the FECA section by section — from the most reductionist standpoint — to determine its constitutionality, noted: "...the Court's result does violence to the intent of Congress in this comprehensive scheme of campaign finance. By dissecting the Act bit by bit, and casting off vital parts, the Court fails to recognize that the whole of this act is greater than the sum of its parts... I question whether the residue leaves a workable program."

Burger was quite correct insofar as he went. In *Buckley v. Valeo*, the Court ruled that the Federal Election Commission must be entirely appointed by the President. President Carter has now succeeded in transforming the FEC into a plumbers' unit to persecute the Administration's political opponents through impossible strictures on financing, harassment of contributors and vendors (whose identity must be disclosed in reports to the FEC), and most of all through selective enforcement of the nightmare web of regulation surrounding every political act.

First Amendment

The First Amendment guarantees rights of free speech and association. The FEC now has the capability to hold the dual threats of criminal indictment and bankruptcy over those who speak against Carter's treasonous policies or associate (even in the form of extending business credit) with organizations who do so.

The Campaign Act, 2 USC 14 S 431 defined a contribution as a payment of any sort "for the purpose of influencing the nomination for election, or election, of any person to Federal office..." However, the new amendments obliterate what the U.S. Supreme Court, in *Buckley v. Valeo* describes as the "well understood and accepted notion of a political contribution." Instead, the Federal Elections Commission has determined that any transaction which places cash or its equivalent in goods and services, particularly the extension of credit, in the hands of a political committee, *for whatever purpose and intent*, is a contribution. The Act is now so amended. The FEC insists that a vendor, supplying a political campaign with goods or services, if he does not receive payment within the "normal" commercial collection period, has made a "contribution" to a political committee. Similarly, an individual who works for a political campaign, if he is not an unpaid volunteer, must be compensated at the "normal" market rate. Any discrepancy between his pay and "normal" pay will be considered a contribution — a situation that, within a very short time, would place any skilled person in the position of an illegal contributor exceeding the amount any individual may contribute to a single candidate ($1000).

The constitutionality of the FEC and its regulations was challenged in *Buckley v. Valeo*, decided by the U.S. Supreme Court in January 1976. The heart of the challenge was the obvious danger governmental regulation of the means of selecting the government posed to First Amendment political freedoms of association and expression. As Sen. Howard Baker stated during the Congressional debate befre passage of the FECA, "I think there is something politically incestuous about the Government financing and, I believe, inevitably regulating, the day to day procedures by which the Government is selected...I think it extraordinarily important that the Government not control the machinery by which the public expresses the range of its desires, demands, and dissent."

Because no significant harassment of political parties or their contributors had been shown at that time, the provisions of the act limiting the contributions of individuals and forcing disclosure of both contributors and expenditures was not unconstitutional.

Of course, we now see a pattern of overt and covert harassment which is not speculative. The USLP has two lawsuits — one before the District of Columbia Circuit in U.S. District Court — which document direct FEC harassment of CTEL and its contributors.

The Supreme Court did rule, in *NAACP v. Alabama*, exactly what disclosure requirements do violate First Amendment rights of free association. The NAACP, required by the Secretary of State of Alabama to disclose the names of its members, showed instances where that disclosure led to intimidation and harassment. In such circumstances, the Supreme Court held, the government's interest in disclosure is outweighed by the need to protect Constitutional rights and disclosure is not required. The Carter Administration has not profited from the lessons of the civil rights movement and imagines that it has unlimited rights to persecute and harass opponents.

In *Buckley v. Valeo*, the Court ruled by extremely circuitous reasoning that contribution limitations did not impinge on rights of free speech because contributors were merely *financing* someone else's speech. However, the new amendments which calculate the time of poorly or partially paid campaign workers as a contribution *directly* interfere with rights of free speech and association, and fall directly within the Court's very limited notion of interference with First Amendment rights.

Fifth and Fourteenth Amendments

The provisions governing the extension of credit to campaign committees, forcing collection according to

"normal" commercial practices, very clearly violate the Fifth and Fourteenth Amendment due process rights of both vendors and political candidates and committees. The Commission, under the new amendments, has arrogated to itself full rights to review credit practices of vendors, to force vendors, under threat of criminal penalties, to initiate court action for collection. It has also won the right to force bankruptcy proceedings on political candidates and committees. The amendment deprives both vendors and candidates of liberty and property without due process of law, and certainly "chills" their exercise of First Amendment rights to political expression.

Testimony by Washington, D.C. attorneys Joel Joseph and Paul Kamener before the Senate Rules Committee that FEC law is so confusing and entrapping that "every federal political candidate in 1976 *could* be prosecuted for a technical violation of the law" demonstrates how the FEC's *selective enforcement* policy against Carter opponents violates the equal protection clause of the Fourteenth Amendment.

With its new powers and operating methods, the FEC is transformed into a political gestapo. Every opposition spokesman or organizer can wait for the proverbial knock at the door in the middle of the night — accompanied by threats of civil and criminal prosecution, shutoffs by intimidated creditors, and sharp drop offs in contributions from harassed and intimidated supporters. Obviously the creation of such a police state violates Article IV, Section 4 of the Constitution which guarantees a "Republican form of government."

Both Congress and the Courts must act to eliminate the entire FEC apparatus. The so-called "concern for the public interest" used to justify the Act in the first place is shown for what it is: a naked attempt by Carter and Trilateral Commission cohorts to seize dictatorial control of the government.

A Grid Of Carter's Plumbers Operations

A week-long investigation by U.S. Labor Party security personnel has uncovered an intensive pattern of "plumbers unit" operations against party members, creditors, political allies, etc. These actions and the degree of coordination involved represents a chain of evidence leading directly back to the Carter Administration's National Security establishment. The number of incidents reported, catalogued and investigated by the U.S. Labor Party national center staff amounts to an average of close to 100 separate incidents per day; and this figure itself represents only a portion of the total if unreported incidents are taken into account.

The accompanying grid is intended to provide, through representative case reports, a profile of the quality of the criminal operations currently being run through the Carter Executive. It should be noted that the names of several business establishments have been targeted for Federal Elections Commission and related "Cointelpro" attacks have been withheld for obvious reasons.

For purposes of clarity, the following grid has been organized into three categories of criminal operations:

1. Explicit "financial warfare" conducted principally through the FEC, the Justice Department, the Department of Health, Education and Welfare, the Department of Labor and private "credit agencies" deployed under Cabinet agency auspices.
2. Physical disruption and containment activities directed at denying U.S. Labor Party organizers their First Amendment rights. These deployments have been conducted through LEAA-controlled local and state police components and through allied private security networks.
3. Black operations run by Institute for Policy Studies Co-Director Marcus Raskin and Rand-MIT brainwasher Noam Chomsky, including harassment, extortion and outright terrorism.

Financial Warfare

Case 1: A business concern in New York City involved in providing New Solidarity-International Press Service with long-term contract access to telecommunication systems confirmed that their representatives had been approached by "unidentified parties" and advised that credit extension to NSIPS constituted a violation of FEC regulations, and that such actions were the basis for potential legal action on charges of "illegal political contributions."

Case 2: Files maintained by the Better Business Bureau and Dunn and Bradstreet — both agencies that provide central credit information — were found to maintain "Cointelpro" files on Campaigner Publications Inc. and on individual publicly identified members of the U.S. Labor Party. These files were found to contain both unjustified "poor" credit ratings and slanderous misinformation. In the latter case, the character of the information indicated direct use of FBI records and LEAA police records that would contain conscious false characterizations.

Case 3: At least one printing firm that conducts a high volume of business with NSIPS has indicated recent difficulties in obtaining previously accessible lines of credit from its own vendors. Investigations are currently underway to determine the precise extent to which the firm's business relationship with NSIPS is being openly identified as the "cause" of the shift in credit availability.

Cases 4-11: No fewer than eight individual members of the U.S. Labor Party have been ordered to appear before local Internal Revenue Service panels for review of recent income tax statements. While these audits have been initiated in eight separate cities, the consistent pattern of the specified areas in question (all relating to campaign contribution writeoffs and personal medical bills) indicate that these are "fishing expeditions" aimed