POLITICAL BUREAU

NO. 9

May 28, 1974

Present: Barnes, Britton, A. Hansen, Jenness, Jones, Lovell, Stone

Visitors: Boehm, Cole, Horowitz, Matson, Morell, Scott, Seigle, Sheppard

Chair: Jones

AGENDA: 1. Campaign Disclosure Laws Suit
2. Transfers

1. CAMPAIGN DISCLOSURES LAWS SUIT

Seigle reported on plans to proceed with the SWP as plaintiff in the national ACLU suit against the disclosure of the names of contributors under the federal campaign disclosure law. Agreed to send letter to branch organizers, national committee members and campaign directors explaining case, and to organize immediate tours to branches to report on and discuss plans for political offensive around this challenge.

Discussion

Motion: To approve the report.

Carried. (See attached.)

2. TRANSFERS

Scott presented a list of transfers to be approved.

Discussion

Motion: To approve the proposal.

Carried.

MEETING ADJOURNED.

14 Charles Lane
New York, New York 10014

May 30, 1974

TO ALL ORGANIZERS AND NATIONAL COMMITTEE MEMBERS

Dear Comrades,

The American Civil Liberties Union has agreed to bring a lawsuit challenging the constitutionality of the sections of the Federal Election Campaign Act that require Socialist Workers Campaign Committees to turn over names of contributors to the federal government. The plaintiffs in the suit will be all those 1974 Socialist Workers state campaign committees supporting candidates for federal office (U.S. House & Senate), and the Socialist Workers 1974 National Campaign Committee.

The commitment of the ACLU to take this action on our behalf is a welcome development. The ACLU is by far the most authoritative and well-known civil liberties organization in the country. This suit, representing the first national challenge to the undemocratic provisions in the laws resulting from the election campaign "reform" crusade, is going to attract wide public attention. The campaign we will conduct around this case can help project the SWP right into the middle of the debate over this important issue.

Having the backing of the ACLU for this case will help us in our efforts to explain the issues involved to the press and to potential supporters. In addition, since the ACLU will absorb all fees and legal expenses, we will not have to raise money to finance this case.

THE CAMPAIGN "REFORM" LAWS

This suit provides us with an opportunity to wage a political campaign to expose and rally opposition to the campaign "reform" laws. These laws are aimed at reinforcing the political monopoly of the capitalist parties in the face of the growing disaffection from the Democratic and Republican parties, and the sagging confidence in the institutions of bourgeois rule following Watergate.

These "reforms" are presented as an attempt to "clean up" American politics. But they are really designed to place serious new obstacles in the way of political action taken by smaller parties, and by the trade unions, Black organizations, and other groups whose interests lie in opposing the stranglehold maintained on politics by the twin parties of capital.

At the same time, the reformers are working to strengthen the illusions that "the system" can be modified so as to take the power out of the hands of the bankers and corporate oligarchs who in fact control the two capitalist parties. All that is needed to "return the power to the people," they claim, are some new regulatory laws.

By taking the initiative in the fight to expose and defeat these totally reactionary "reforms," we will be fighting to protect and extend the rights of the working class and all working class organizations to participate in political activity without restrictions by the capitalist government.

At the same time, by exposing the true political aims of the Democrats and Republicans responsible for these new laws, we will be counterposing our answer to Watergate -- political action by the working class and its allies independent of capitalist politics -- to the muddleheaded reformism of the liberals and the class-collaborationist policies of the Stalinists.

This case, and the propaganda campaign we will wage through our election campaigns, The Militant, and other vehicles, will be an important component of our general offensive around Watergate. This challenge is essentially an extension of the issues we are raising in our campaign around the suit we have filed against Nixon and other government officials aimed at forcing a halt to illegal surveillance, harassment, infiltration and other "disruption" efforts aimed at the SWP and the YSA, and our supporters.

The heart of our challenge to the disclosure requirements of the new laws is that precisely because of the fact that (as we have established through our suit) the government conducts a systematic campaign to harass and try to intimidate supporters of Socialist Workers election campaigns and other people who come in contact with the SWP or YSA, it is a violation of the civil liberties of the individuals involved to turn their names over to the government. In addition, compelling us to make this disclosure interferes with the rights of the Socialist Workers campaign committees, because supporters and potential supporters are inhibited from making contributions and other activities.

We say that the government does not have the right to carry out this kind of harassment, and then turn around and demand that we provide them with names and addresses of more people to harass!

There are also other ways in which these laws are undemocratic. The sheer volume of bookkeeping and paperwork necessary to compile these reports imposes a major burden on us. Also, the ambiguities and contradictions in the law, and the hundreds of ways in which it is possible to inadvertently make an error, create a situation in which the government can engage in selective prosecution aimed at further harassment or victimizations of us or of others on the White House "enemies list."

Many of these obstacles are also faced by other smaller parties or by groups that would like to back candidates outside the two-party system. To those with little or no experience with election laws, or without access to competent legal help, these provisions can become virtually impossible to meet. In fact, in some states these new laws pose a more formidable barrier to running independent campaigns than even the existing ballot requirements.

But these laws are not just aimed at smaller parties. They are also directed at tieing the hands of the labor movement in politics through imposing restrictions on use of union money and other resources in political campaigns. Of course, today the union misleaders restrict this participation and limit it to political horsetrading within the framework of bourgeois politics. We are fighting within the union movement to change this policy.

But while we fight against the way in which the current union officials intervene in politics, we unconditionally oppose any attempts by the government to interfere with union political action.

We are the firmest defenders of the rights of the unions to utilize their political power, including union money, in the political arena.

THE SUIT WE ARE PREPARING

Our suit will be a challenge to the federal law, which requires reports to the U.S. House and Senate. The state laws can only be challenged through separate suits, state-by-state, just like all other state election laws.

The ACLU has agreed to encourage their local affiliates to discuss with statewide Socialist Workers campaign committees the question of possible challenges to the state laws in addition to the federal suit. However, the local ACLU chapters are autonomous. There are divisions of opinion within the ACLU over this issue. Some ACLU members feel that the violations of constitutional rights involved in forcing disclosure are less important than the need to "reform" campaign financing. As a result, some state affiliates of the ACLU may not be willing to undertake a case for us.

We will have to discuss each state situation individually. Where it is feasible, it may be good to initiate challenges to state laws while we are fighting the federal law. However, in some states we will not be in a position to do this.

In any event, if we win our federal suit on the constituional questions involved, we will have no trouble knocking down similar state laws wherever they affect us.

The first step in the challenge will be a letter sent on behalf of the Socialist Workers 1974 National Campaign Committee and each of the state Socialist Workers committees to the federal agencies responsible for administering the law. The letter, which will be submitted along with the reports due on June 10, will request a hearing, as provided for in the law, to determine whether or not we must comply. At the hearing, if we are granted one, we will raise the issues of the violation of constitutional rights involved in compelling us to continue complying with the disclosure provision of the law.

We will also explain in this letter that since basic constitutional questions are involved, we will withhold names and addresses from our reports, and seek a court decision on this question if the hearing goes against us. We will continue to comply with all other provisions of the law, and continue to file the reports (lacking names and addresses of individuals who might be subjected to harassment) when they are required.

If the hearing should result in a ruling against us, as is likely, or if we should be denied the right to such a hearing, we will immediately file the suit in federal court in Washington, D.C.

We are still in the process of discussing with the ACLU the timing and form of a public announcement of this action. As soon as the details of this are worked out we will discuss with the local campaign committees details on launching our public campaign around this challenge. No public action should be taken until final arrangements are made with the national ACLU.

Comradely,

Larry Seigle

Larry Seigle

Campaign "Reforms": Trick to Strengthen Dominance of Democrats & Republicans

by Larry Seigle (from The Militant, April 5, 1974)

A grand fraud is being cooked up in Congress. The master chefs are the leaders of both capitalist parties, and they are advertising the recipe as "The Answer to Watergate."

The dish? Reform of campaign financing, including tougher reporting laws, new restrictions on raising and spending funds, and some form of public financing.

The promoters are ecstatic. "At a single stroke," promises Senator Edward Kennedy (D-Mass.), "we can drive the money lenders out of the temple of politics. We can end the corrosive and corrupting influence of private money in public life."

Unfortunately, there is no Truth-in-Packaging Law that applies to the fast-sell doubletalk of politicians promoting new legislation. If there were, the proposals being talked up so glibly by Kennedy and his colleagues would be required to bear a notice: "'Reform' value--nil. And watch out! This bill is hazardous to your political rights."

Bills Under Consideration

The campaign reform issue has been brewing a long time. Two federal laws have already been passed. The first, which took effect April 7, 1972, requires campaign committees to make full disclosures of all contributions over $100. In addition, expenditures must be itemized.

The second law, the income tax checkoff, will provide money to finance the presidential campaign in 1976.

Currently under debate in Congress are new proposals to enact maximum amounts that can be contributed, put overall limits on spending, and provide tax money for candidates for Congress as well as for president.

The measures vary in the degree to which they would modify the existing setup. Nixon, for example, proposes tightening up reporting provisions (to end "dirty tricks") but opposes government funding: "One thing we don't need is to add politicians to the federal dole," says Tricky Dick, who is familiar with the ins and outs of the problem.

But the reformers generally have bipartisan backing and are winning enthusiastic praise from newspaper columnists and editorial writers, who paint the reforms as the way to end corruption.

A close look at the proposals gives a different picture. The "good" they will produce is an illusion, and the dangers they contain are real.

Strengthening Two-party Monopoly

Let's start with the tax checkoff bill. This law gives money only to the Democrats and Republicans, excluding all smaller parties. This is done through the device of defining a "major" party as one that got at least 25 percent of the vote in the last election.

To be sure, there is a provision for "minor" parties to get money. All you have to do is get 5 percent of the vote (nearly four million votes based on 1972 returns). As the clever lawmakers well know, this definition excludes all existing smaller parties. (And if, in the future, a party running against the twin parties of capital should approach the 5 percent mark, the requirement can always be lifted to 10 percent, or higher.)

This law is a further step toward chartering the existing capitalist parties as the only legitimate parties. This "reform" will tighten the monopoly of the Democrats and Republicans in the electoral arena.

The discriminatory definitions in the bill will be used by state legislatures and the courts to justify laws keeping smaller parties off the ballot. And they will be used by the capitalist-owned media as further excuse to avoid providing coverage to the viewpoints of smaller parties.

Also, those who urge a break with the existing parties--for example, advocates of an independent Black party--will be met with the new argument: "Why should we leave the Democrats and strike out on our own? We'll never get 5 percent the first time out, and our opponents will get all that money."

These considerations are undoubtedly what prompted our reform-minded Senator Kennedy to reassure his cronies that "public financing is not a nail in the coffin of the two-party system. . . . (It) will in fact be a useful counterbalance to the forces driving the party system apart and splintering modern politics."

Stiffer Reporting Requirements

One who still believes that the politicians are, under public pressure, trying to clean up politics might say at this point, "Okay, the public financing proposal is unfair. But surely some progress will come from forcing public disclosure of campaign contributions, won't it?"

No, it won't. Moreover, the disclosure provisions will hurt smaller parties even more than the unfair public financing.

Let's take one example. Under this law, the Socialist Workers Party has had to report to the government the name, address, and workplace of all contributors of more than $100 to SWP election campaigns. At the same time, the government claims that because the SWP is "subversive," anyone who is "affiliated" to the SWP is fair target for FBI surveillance and harassment. And "subversives" can be fired from government employment and many private companies with government contracts or their own version of the blacklist.

Thus, anyone who contributes has got to be ready to accept this harassment.

"But," our friend might argue, "the law applies equally to everyone." That's the catch. There is no "equality." Contributing to the Democrats and Republicans is not going to lose anyone a job, or get a file opened by any of the multitude of snooping agencies in Washington. But donating money to the SWP, or to the Communist Party, or the People's Party, or La Raza Unida Party may very well.

"Cleaning Up Politics"

And as for "cleaning up" politics through forcing disclosure, this is the biggest fraud of all. As experience has shown, the only result of tightening controls on campaign financing is to drive the corruption further underground, not to end it.

Illicit financial deals are diverted to more indirect routes. Money is "laundered" through Mexican banks or foreign subsidiaries of U.S. corporations. If limits are put on contributions, big donors simply break them down and have 10, 50 or 100 "friends" make the gifts.

Illegal? Of course. But equally uncontrollable. And after all, the administrators of the law are the very same politicians and parties who are supposedly being controlled.

More important, no amount of "campaign reform" is going to change the fact that the capitalist parties serve the interests of the capitalist class and do its bidding. The class loyalties of the Democratic and Republican politicians can't be "reformed."

An additional unfair burden falling on the smaller parties is the monumental job of bookkeeping and paperwork that compliance with the new law requires. This is no problem for the capitalist parties, who have teams of lawyers and accountants at their disposal. But complying with the law is a huge task for smaller parties.

However, all the existing inequities pale by comparison to what may happen in the future. The likelihood is that the Democrats and Republicans will soon be getting public financing, bringing an end to their private fund-raising. This means that the reporting provisions may soon apply only to opponents of the two capitalist parties.

Good Intentions?

Are these considerations merely accidental side effects that the "reformers" in Congress didn't foresee? I don't think so. I think the capitalist parties have been taking advantage of the widespread revulsion at the corruption revealed by Watergate to sneak through some additional obstacles to independent political action.

While posing as crusading opponents of corruption to strengthen their public image, these shysters are reinforcing the most corrupt aspect of U.S. politics--the virtual stranglehold maintained by the two capitalist parties.

The fake reform bills now on the books, and the new ones likely to be passed, should be exposed and opposed by all those who believe in freedom of political expression and choice, and especially by those who support parties directly hurt by the new legislation.