



NEW SOLIDARITY International Press Service

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Press Release #43

US SUPREME COURT AFFIRMS US LABOR PARTY LEGAL VICTORY IN PENNSYLVANIA

Washington, D.C., March 24-- The US Supreme Court has affirmed the ruling of a three judge federal panel in Pennsylvania striking down that state's restrictive petitioning requirements for third parties. US Labor Party attorneys who brought the case *Salera vs. Tucker*, were informed of the Court's decision today, ending litigation which began in August 1974. The US Labor Party was joined in the suit the Consumer's Party of Pennsylvania and Consumer Party leader Max Weiner.

The *Salera* case began in August 1974 when supporters of Congressman William Barret (D., Penn.) Pennsylvania's restrictive petitioning requirements inancited attempt to throw US Labor Party candidate Bernard Salera off the ballot. Salera was running against Barret in a hotly contested race in the 1st Congressional district in South Philadelphia.

The Pennsylvania law cited by Barret required third parties to gather 30,000 qulaifying signatures during a three week period seven months prior to the general election tying third party candidacies to the Democratic and Republican Parties primary races. While the US Labor Party's legal battle to secure Salera's place on the ballot was finally won on the State Supreme Court level a separate federal action was filed challenging the constitutionality of the petition gathering procedure.

David Heller, the US Labor Party's attorney in the case, successfully argued before a three judge panel headed by Federal Judge Newcomer that the petitioning period was too short and too remote from the general elections to guarentee the electoral rights of third parties. According to the arguement now affirmed by the Supreme Court the restrictions proper to candidates of the Democratic and Republican Parties engaged in primary elections should not be applied to parties not participating in the primaries. The final ruling of the three judge panel reported in early August of 1975 voided the Pennsylvania statute and designed a petition gathering period up to August 21 for the ZU US Labor Party and the Consumer's Party in election years. Pennsylvania Appealed the ruling to the Supreme Court and subsequently asked for a stay of judgement until the Supreme Court issued a ruling in an attempt to force this year's US Labor Party's campaign to conform to the old statutes. The motion for stay was also denied by the Supreme Court.

In an interview today Heller located the significance of the Supreme Court ruling in its overturning of the most recent legal tactic of a State which has fought to keep Communists off the ballot. "The petition requirement was a sophistication on the simple jailing of Communist candidates which occurred in Pennsylvania in the 1940's." Mr Heller noted.

Mr Heller also said that the USLP is opposing a motion filed in federal court by the Communist Party USA to extend the Salera ruling to itself. (The ruling presently only applies to the USLP and the Consumers Party). The USLP is citing information concerning control of the CPUSA by the Federal Bureau of Investigation which was made public by the Senate Select Committee on Intelligence in its opposition to the CPUSA motion adding that "the CPUSA has not shown itself to be a legitimate party engaged in an electoral campaign." which began in August 1974. The US Labor Party was joined in the suit the Consumer's Party of Pennsylvania and Consumer Party leader Max Weiner.

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