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Hearing set to decide fate of Saunders candidacy

By WILLIAM NOTTINGHAM
St. Petersburg Times Staff Writer

TAMPA — The State Ethics Commission voted Friday to decide the election law charges against 5th District congressional candidate JoAnn Saunders before the Nov. 2 general election. Mrs. Saunders immediately sought a federal injunction to block the action.

Mrs. Saunders is accused of not filing a state financial-disclosure form on time. If the commission finds her guilty, it could recommend to Secretary of State Bruce A. Smathers that her name be removed from the ballot.

AFTER A 5-2 vote relaxing part of its procedural rules, the commission set a public hearing — “a quasi trial,” according to commission chairman Don H. Reed Jr. — to weigh the charges before the election makes the issue moot. The hearing will begin at 10 a.m. Monday in Tallahassee.

Charging that the commission decision was tainted by partisan politics with the balloting only eleven days away, Mrs. Saunders said, “JoAnn Saunders is not going to be a sacrificial lamb for Don Reed. Don Reed is a Republican.”

“I will never give up my rights (to be on the ballot),” she said. “The only way you can get JoAnn to give up is to put a bullet through her. I will fight to my last breath.”

At Monday's public hearing, Mrs. Saunders — an Orlando Democrat who fought her way past four primary opponents for the chance to challenge Rep. Richard Kelly, R-Port Richey would have an opportunity to mount a defense before the nine-member ethics panel.

But if Mrs. Saunders and her attorney T. Michael Woods have their way, there will be no hearing.

Less than 30 minutes before the federal courthouse in Tallahassee closed, motions were filed on her behalf to forbid the ethics panel to proceed with its investigation. It names all panel members, individually and in their official capacities.

THE MOTIONS ALLEGE that the commission has added extra qualifications to those outlined in the U.S. Constitution for candidates for federal office. One hour before the ethics hearing is scheduled Monday, U.S. District Court Judge William Stafford will hear the injunction request.

Neither Mrs. Saunders nor Woods attended the commission meeting in Tampa. Mrs. Saunders had charged the day before that the panel was no better than a “kangaroo court.”

“This is not a kangaroo court,” Reed insisted. “We don't inflict punishment. We don't have any power at all to penalize.”

“What we are charged to do is to determine if a violation occurred. We would be abdicating our responsibility if we did not do something.”

The ethics complaint against Mrs. Saunders was filed in September by Jack Conlon, of Longwood, who is a registered independent. Conlon has acknowledged being an acquaintance of one of the candidates Mrs. Saunders defeated in the Sept. 7 Democratic Party primary, but says that had no bearing on his action.

In a Sept. 28 runoff election, Mrs. Saunders won handily, defeating Pasco County Circuit Court Clerk Miller Newton.

NEWTON LAUNCHED A court attack against Mrs. Saunders, based not only on the financial disclosure charge, but on a second accusation that she improperly qualified for office as an indigent to avoid paying a filing fee. He contended that she could have afforded the fee, but an Orlando circuit judge last month threw the suit out.

The commission is an advisory body. Should it find Mrs. Saunders in violation of the law, it would make a recommendation to Smathers, who is the state's chief elections officer. He would make the final determination as to whether, and how, the candidate should be penalized.

Reed, a Boca Raton attorney, said that according to the way he and an assistant state attorney general interpret the law, Smathers would have no alternative but to strike Mrs. Saunders' name from the Nov. 2 ballot.

Friday's commission vote was important because it determined whether the commission would be able to hear the charges against Mrs. Saunders and settle the dispute before the voters go to the polls. The panel established an emergency procedure waiving the 30-day notice normally afforded persons accused of violating state ethics laws. A lesser notice now can be given as long as it is “reasonable . . . under the circumstances.”

“Some of the ethics commission members are trying to change the rules as they go along,” Mrs. Saunders said.

Mrs. Saunders

from 1-B

Because at least two commission members feel that removal from the ballot would be too harsh for what has been termed "a technical violation," they were reluctant to vote for the emergency rule.

REED SAID HE FELT that if lesser penalties could be imposed on Mrs. Saunders, their would be little dispute among the commission about proceeding with its hearing.

"I don't believe there is an immediate danger to the public health, safety and welfare" that would warrant a rules change, argued Ed H. Price

Jr., of Bradenton. "I think the ultimate arbitrator will be the public and they are getting the opportunity to decide."

Backing Price's view was Charlotte F. Hubbard, of Dunedin. Since many 5th District voters have already cast absentee ballots, she said, any change in the candidates would "sort of reek havoc" on the election.

But commission member John A. Grant Jr., of Tampa, went to Reed's assistance, saying the panel "didn't make the law," but has an obligation to proceed under it.

He argued that the issue probably would have been settled by now if Mrs. Saunders had kept the word she gave to the commission on Oct. 11 to

waive the 30-days notice rule.

But instead, Mrs. Saunders "backed out" of her statement and declined to waive the time period, knowing that the 30-days would fall after the election.

"I consider that a breach of faith," Grant said.

Grant said Mrs. Saunders gave election officials a sworn statement saying she had properly filed her disclosure form "when in fact she had not."

The form was due July 20, but because of what Mrs. Saunders has called a clerical accident, it was not file until two months later.

"That's the only way she even got on the ballot," Grant said.

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