

# PASSPORT DENIAL BY U.S. IS UPHELD

Editor Had Refused to Sign  
Non-Communist Affidavit

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By EDWARD RANZAL

The right of the Secretary of State to refuse a passport to any citizen who refuses to sign a non-Communist affidavit was unanimously upheld yesterday by a three-judge Federal statutory court.

The court held that because of Communist threats to this country's internal security, Congress had the right to legislate such authority to the Secretary of State.

The issue grew out of a suit brought by Vincent Copeland, editor of Worker's World, a bi-weekly publication of the Worker's World party, a revolutionary Marxist-Leninist organization.

Mr. Copeland, who lives at 1807 Seventh Avenue, contended in his suit that the denial of a passport to him in 1963 was a violation of his constitutional rights.

The statutory court, consisting of Court of Appeals Judge Paul R. Hays and Federal Judges John F. X. McGohey and David N. Edelstein, was appointed to rule on the constitutional points raised by Mr. Copeland.

Mr. Copeland said an immediate appeal would be taken to the United States Supreme Court. He termed the decision "a return to McCarthyism."

Mr. Copeland, according to papers submitted to the court, applied for a passport last April to travel in Britain, France and Poland for the purpose of "observing social, political and economic conditions abroad, and thereafter to write, publish and lecture in the United States about his observations."

The Subversive Activities Control Act of 1950 requires that an applicant for a passport must swear in an affidavit that in the preceding 12 months he was not a member of any organization required to register with the Subversive Activities Control Board. The Communist party has been required to register.

Mr. Copeland did not execute the non-Communist affidavit. He explained that his action was not based on the issue of Communist party membership. He said that as a matter of principle he had felt compelled to remain silent.

No 'Imaginary' Fight

"I believe that every Ameri-

can citizen has a natural right to travel, regardless of his political or economic views or associations," he wrote on the application.

In a 50-page opinion written by Judge Edelstein, the court held:

"We conclude that the Secretary of State was correct in declining to process the passport application for the reason that Copeland refused to exe-

cute the non-Communist oath which the Secretary has promulgated."

"The principal aim of the Subversive Activities Control Act and of the affidavit which seeks to implement it is to insulate the public from the danger of the Communist menace. Its main objective, as well as its overriding effect, does not strike at political beliefs as such but remedies a condition that constitutes a danger to the public order."

Judge Edelstein said that recent evidence concerning a continuation and intensification of Soviet espionage activity in this country is ample proof that

Congressional concern over the spread of the Communist menace through international travel is hardly a tilt against imaginary windmills." He continued:

"Thus our Government is faced, in reality, with defending our country against an external enemy that has formed within our borders a closely knit organization whose members willingly submit to its 'iron discipline' to further the Communist conspiracy."

"Travel abroad by members of this tightly disciplined subversive movement is obviously a facile method of communication between Communists in this country and the Communist policy-makers and their agents in the Soviet Union and its satellites."

"Travel becomes such a prized method of communication because the facts concerning each citizen's travel intentions are by their very nature inherently subjective and flexible."

"Certainly," he concluded, "Congress has the power to grant the Secretary the authority to prevent possible action that can result from allowing this potentially destructive form of communication to remain unrestricted."

"In Congress's considered judgment, the denial of passports to present or recent members of the party may render the world Communist movement less effective. The means chosen by Congress provides a specific remedy to meet the evil."