

Minn. Ballot Upheld for Communists

Special to The Washington Post

ST. PAUL, Minn., Oct. 2—A three-judge Federal court today ordered the Minnesota Secretary of State to accept the nomination petition of the Communist Party's presidential ticket and to put their names on the Nov. 5 ballot unless he can find technical reasons to the contrary.

Joseph L. Donovan, the Secretary of State, had previously raised no technical objections but, on advice of State Attorney General Douglas Head, had rejected the petitions on the ground that the 1954 Federal Communist Control Act prohibited the Communist Party from being on any ballot.

Today's unanimous court order avoided passing on the constitutionality of the Federal law which said the Party was "outlawed" and its "rights, privileges and immunities" were "terminated." But two of the judges, Circuit Judge Harry A. Blackmun and District Judge Edward J. Devitt said the "interdiction is broad and general in its terms, and jabs at the very core of our traditional constitutional freedoms."

The court again urged U.S. Attorney General Ramsey Clark to intervene. Through the U.S. Attorney, Pat Foley, Clark had avoided taking a position on the merits, arguing that the law applied to the Party but not to its members and that under a quirk in the Minnesota election law the presidential candidates could be put on the ballot.