

Court Says SACB Cannot List Reds

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A 1950 law providing for public disclosure of the names of persons found by the Subversive Activities Control Board to be Communists was struck down yesterday by the U.S. Court of Appeals.

Membership in the Communist party is a right protected by the Constitution, the court said, and "we cannot assume" that disclosure of a person who chooses to exercise that right "does not operate as a substantial burden upon the exercise of his right of free association."

Communists who engage in activity that is illegal, the court said, may properly be prosecuted for it. But since mere membership is not illegal, "the public interest in the exposure of the guilty cannot be used to justify exposure of the innocent."

The court's opinion was

written by Chief Judge David L. Bazelon, with the concurrence of Judges J. Skelly Wright and Carl McGowan.

The court acted on the petition of three men who were served the public notices from the Board that each of them was "a member of the Communist party of the United States of America, a Communist-action organization."

None of the men denied being a member of the party; but they all objected that since there is nothing wrong with such membership, the government should not be allowed to point an accusatory finger at them because of it.