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(350) PASSPORTS

WASHINGTON, JAN. 5 (AP)-UNDER NEW STATE DEPARTMENT REGULATIONS, PASSPORTS MAY BE ISSUED TO CITIZENS WHO REFUSE TO SWEAR ALLEGIANCE TO THE UNITED STATES.

"WE DO NOT BELIEVE WE HAVE LEGAL AUTHORITY TO DENY A PASSPORT TO A CITIZEN WHO DECLINES TO TAKE AN OATH," PRESS OFFICER ROBERT J. MCCLOSKEY EXPLAINED TODAY.

HOWEVER, THE NEW PASSPORT APPLICATION FORMS WILL STILL CARRY THE FAMILIAR ALLEGIANCE OATH AS ONE OF THE ITEMS NORMALLY SIGNED BY THOSE WHO DO NOT OBJECT.

IT WAS UNDERSTOOD THAT PASSPORT DIRECTOR FRANCES G. KNIGHT, WHO HAS BEEN AT ODDS WITH HER STATE DEPARTMENT SUPERIORS ON A NUMBER OF OTHER ISSUES, STRONGLY OPPOSED A MOVE TO DROP THE OATH FROM THE APPLICATION FORMS.

MISS KNIGHT WAS REPORTED TO HAVE FAVORED CONTINUING THE OATH AS A MEANS OF ALLOWING CITIZENS, PARTICULARLY THOSE OVERSEAS, TO EXPRESS THEIR OBLIGATION TO THEIR COUNTRY. SHE WAS ALSO SAID TO FEEL THAT DROPPING THE STATEMENT OF ALLEGIANCE WOULD BE PARTICULARLY INOPPORTUNE NOW WITH THE U.S. GOVERNMENT SENDING MEN TO FIGHT IN VIETNAM.

THE OFFICE OF THE STATE DEPARTMENT LEGAL ADVISER, LEONARD C. MEEKER, WAS SAID TO HAVE DECIDED SOME MONTHS AGO THAT THE SECRETARY OF STATE DID NOT HAVE LEGAL AUTHORITY TO REQUIRE THE OATH OF ALLEGIANCE FROM PASSPORT SEEKERS. THE SUPREME COURT HAS NOT PASSED ON THIS, BUT NEITHER HAS CONGRESS ENACTED A LAW AUTHORIZING IT.

A STUDY GROUP WITHIN THE STATE DEPARTMENT RECOMMENDED THAT THE ORAL OATH-TAKING ON PASSPORTS BE ABOLISHED FOR THE SAKE OF EFFICIENCY IN THE ISSUING OF SOME TWO MILLION PASSPORTS A YEAR.

UNDER THE NEW PROCEDURES, OFFICIALS SAID PASSPORT APPLICANTS NEED ONLY TO SIGN THE APPLICATION FORM AFTER FILLING IT OUT. THIS WOULD INCLUDE THE OATH OF ALLEGIANCE UNLESS THEY SPECIFICALLY OBJECT, IN WHICH CASE THE ADMINISTERING OFFICER IS TO CROSS OUT THIS ITEM IN THE APPLICATION FORM.

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THE OATH, AS STILL CARRIED IN THE PASSPORT APPLICATION FORMS, READS:

"I DO SOLEMNLY SWEAR THAT I WILL SUPPORT AND DEFEND THE CONSTITUTION OF THE UNITED STATES AGAINST ALL ENEMIES, FOREIGN AND DOMESTIC; THAT I WILL BEAR TRUE FAITH AND ALLEGIANCE TO THE SAME; AND THAT I TAKE THIS OBLIGATION FREELY, WITHOUT ANY MENTAL RESERVATION, OR PURPOSE OF EVASION; SO HELP ME GOD."

FOR MANY YEARS, THERE HAVE BEEN EXCEPTIONS FOR PERSONS WHO REFUSE TO TAKE OATHS BECAUSE OF RELIGIOUS CONVICTION.

SUCH PERSONS HAVE RECEIVED PASSPORTS THROUGH AT LEAST 15 OTHER VARIETIES OF STATEMENTS GIVEN TO THEM TO ATTEST TO, MCCLOSKEY SAID. IN ONE SUCH FORM THE APPLICANT CAN SUBSTITUTE THE WORD "AFFIRM" FOR THE WORD "SWEAR."

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