

Court Declines to Hear a Plea On Propaganda Sent by Hanoi

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WASHINGTON, Oct. 16—The Supreme Court declined today to hear a challenge to the Government's authority to invoke a trading-with-the-enemy law to stop Communist propaganda from North Vietnam at the nation's borders.

In a brief order, the Court rejected, 8 to 1, an appeal by an antiwar group called Veterans and Reservists for Peace in Vietnam. The group contended that the Government was violating the First Amendment by making it difficult for Americans to receive publications from Communist countries.

Justice William O. Douglas was the lone dissenter as the Court declined to hear the group's petition for review of an adverse decision by the

United States Court of Appeals for the Third Circuit.

The Supreme Court held in 1965 that the Government could not close the United States borders to all Communist propaganda, but the Third Circuit Court said that this did not prohibit the Customs Service from requiring individuals to obtain a license before they could receive printed matter from a hostile country.

The lower court reasoned that the 40-year-old trading-with-the-enemy law was based upon a legitimate government interest in preventing hostile countries from making profits by dealing with United States citizens and that the antiwar

Continued on Page 26, Column 3

Continued From Page 1, Col. 4

activists could have received the Communist newspapers if they had applied for licenses.

In the appeal filed by lawyers for the American Civil Liberties Union, the antiwar group argued that, as a practical matter, individuals would not go to the trouble to get an import license to receive unsolicited mail from Hanoi. No reason was given for the Supreme Court's refusal to hear the appeal.

In a similar action the Court refused, again over the dissent of Justice Douglas, to review another A.C.L.U. appeal challenging the authority of Army base commanders to bar from military bases publications that are said to be a threat to the troops' discipline and morale.

At lower court had upheld the action of the commander of Fort Knox, Ky., who banned the newspaper of the Servicemen's union, a group

that says that soldiers should be permitted to elect their officers and refuse orders to go to Vietnam.

The Supreme Court also refused, as it has on about a dozen occasions over the last five years, to hear a case challenging the legality of the Vietnam war. Many of the past challenges were raised on behalf of reluctant servicemen or inductees, but the case considered today was an effort by taxpayers to challenge Congress's appropriation of funds for the war without formally declaring war.

The United States Court of Appeals for the Ninth Circuit said that the question was a political one that the courts lacked jurisdiction to consider. As the Supreme Court let that stand today, a dissent was filed by Justices Douglas and William J. Brennan Jr., who said that the action contradicted the Supreme Court's recent rulings that broadened the standing of taxpayers to

challenge the Government's expenditure of public funds.

The Court also declined today to become involved in the rising economic debate over the granting of welfare benefits to the families of workers who are out on strike. A three-judge Federal District Court in Maryland had overturned a state law that denied aid-to-dependent-children assistance to the families of workers who were either on strike or had been dismissed for misconduct, and today the Justices affirmed that ruling.

The effect of the decision was to overturn laws of this type in Maryland, Oregon, Kansas, Nebraska, Delaware and Pennsylvania. New York and 14 other states have laws that grant welfare payments to the families of workers on strike.

The rest of the states do not give benefits to families of breadwinners who are unemployed, regardless of the reasons.

Despite today's action, those states that wish to deny welfare benefits to strikers' families are expected to regain that authority soon.

The lower court decision that was summarily affirmed today held that the regulations of the Department of Health, Education and Welfare require that all states that furnish aid to unemployed workers' families furnish it to all such families.

H.E.W. notified the Supreme Court in court papers that the lower court had misread these regulations, but that, rather than fight it out in court, the department would amend the regulations to make it clear that states may deny welfare to families of workers who are on strike or have been dismissed. An official of the department said today that regulations to that effect would be issued as soon as they were prepared.