

A2 Thursday, Nov. 4, 1971 THE WASHINGTON POST

U.S. Requires Loyalty Oath For Passport

Secretary of State William P. Rogers has reinstated a requirement that every person applying for a U.S. passport be required to take a loyalty oath.

The oath says: "I do solemnly swear (or affirm) 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 reservations or purpose of evasion, so help me God."

The language has been part of the passport application form for more than a century, according to the State Department. It was made optional five years ago, according to Passport Office Director Frances G. Knight, "to respect the views of the few citizens" who objected.

Now, however, it has been made mandatory again as the ironic result of an American Civil Liberties Union suit designed to achieve the exact opposite effect—that is, to get it thrown out altogether.

Last July 28, U.S. District Judge June L. Green ruled in

that suit that, whether or not a mandatory oath could be sustained, an optional oath "unfairly discriminates among United States citizens."

She gave the State Department until Oct. 31 to make up its mind what it wanted—a oath for all or for no one.

Yesterday, State Department spokesmen confirmed an Associated Press report that Secretary Rogers had decided in favor of the mandatory oath.

Now there are to be new hearings before Judge Green on the constitutionality of the oath itself.

The authority on which the Secretary relied for his decision making the oath mandatory, according to State Department spokesman Barrett McGurn, is a section of the U.S. Code that says: "No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether citizens or not, to the United States."

The prescribed oath, McGurn said, is viewed as "an affirmation of that allegiance."

In arguing its case for abolishing the oath, the ACLU charged that the requirement infringed on citizens' First Amendment rights and their "absolute right to freedom of belief."

Federal courts have previously struck down a number of loyalty oaths, but not all that have come before them.

Last June, for example, the Supreme Court upheld a Florida law requiring teachers to swear or affirm their support of the U.S. Constitution or laws. (At the same time, it held that refusal to take the oath could not by itself be a basis for a teacher's dismissal.)

In a series of 5-to-4 decisions last February, the Supreme