

196—OPINION

SCHNEIDER v. SMITH.

In reply, appellant, speaking through his counsel, admitted to the Commandant that he had been a member of the Communist Party as well as other organizations on the Attorney General's list and that he had subscribed to People's World. He said that he had joined the Party because of his personal philosophy and idealistic goals, but later quit it and the other organizations due to fundamental disagreement with Communist methods and techniques. But beyond that he said he would not answer because "it would be obnoxious to a truly free citizen to answer the kinds of questions under compulsion that you require." The Commandant declined to process the application further, relying upon 33 CFR § 121.05 (d)(2) which authorizes him to hold the application in abeyance, if an applicant fails or refuses to furnish the additional information.

Appellant thereupon brought this action for declaratory relief that the provisions of the Magnuson Act in question and the Commandant's actions thereunder were unconstitutional, praying that the Commandant be directed to approve his application and that he be enjoined

with, in any way, the Communist Party, its Subdivisions, Subsidiaries, or Affiliates?

".....
(Answer 'Yes' or 'No.')

"3. Have you at any time been a subscriber to the 'People's World'?

"..... If your answer is 'Yes,' give dates.
(Answer 'Yes' or 'No.')

4. "Have you at any time engaged in any activities in behalf of the 'People's World'?"

(Answer 'Yes' or 'No.')

"If your answer is 'Yes,' furnish details.

"5. What is your present attitude toward the Communist Party?

"6. What is your present attitude toward the principles and objectives of Communism?

"7. What is your attitude toward the form of Government of the United States?