ecution for failure to register for the draft those young men who notified authorities of an intention not to register for the draft and those reported by others.[751]

Suppression of Communist Propaganda in the Mails.—A 1962 statute authorizing the Post Office Department to retain all mail from abroad that was determined to be "communist political propaganda" and to forward it to an addressee only upon his request was held unconstitutional in *Lamont v. Postmaster General*.[752] The Court held that to require anyone to request receipt of mail determined to be undesirable by the government was certain to deter and inhibit the exercise of First Amendment rights to receive information.[753] Distinguishing *Lamont*, the Court in 1987 upheld statutory classification as "political propaganda" of communications or expressions by or on behalf of foreign governments, foreign "principals," or their agents, and reasonably adapted or intended to influence United States foreign policy.[754] "The physical detention of materials, not their mere designation as 'communist political propaganda,' was the offending element of the statutory scheme [in *Lamont*]." [755]

Exclusion of Certain Aliens as a First Amendment Problem.—Although a nonresident alien might be able to present no claim, based on the First Amendment or on any other constitutional provision, to overcome a governmental decision to exclude him from the country, it was arguable that United States citizens who could assert a First Amendment interest in hearing the alien and receiving information from him, such as the right recognized in *Lamont*, could be able to contest such exclusion.[756] But the Court declined to reach the First Amendment issue and to place it in balance when it found that a governmental refusal to waive a statutory exclu-

---

[751] Wayte v. United States, 470 U.S. 598 (1985). The incidental restriction on First Amendment rights to speak out against the draft was no greater than necessary to further the government's interests in "prosecutorial efficiency," obtaining sufficient proof prior to prosecution, and promoting general deterrence (or not appearing to condone open defiance of the law). *See also* United States v. Albertini, 472 U.S. 675 (1985) (order banning a civilian from entering military base upheld as applied to attendance at base open house by individual previously convicted of destroying military property).

[752] 381 U.S. 301 (1965). The statute, 76 Stat. 840, was the first federal law the Court ever struck down as an abridgment of the First Amendment speech and press clauses.

[753] 381 U.S. at 307. Justices Brennan, Harlan, and Goldberg concurred, spelling out in some detail the rationale of the protected right to receive information as the basis for the decision.

[754] Meese v. Keene, 481 U.S. 465 (1987).

[755] 481 U.S. at 480.

[756] The right to receive information has been prominent in the rationale of several cases, *e.g.*, Martin v. City of Struthers, 319 U.S. 141 (1943); Thomas v. Collins, 323 U.S. 516 (1945); Stanley v. Georgia, 394 U.S. 557 (1969).