

Passport Delays Should Remind Americans Freedom of Movement Must be Defended

Americans are eager to resume international travel. As the world hesitantly emerges from the pall of the Covid-19 pandemic, many of us are ready to go: to study abroad, conduct business, reunite with loved ones overseas. Some are just raring to leave behind the confines of home, at last. But in recent weeks news has emerged that this rehabilitated desire, coupled with staffing shortages at the US State Department, has created a frustrating [new delay](#). More than two million Americans applying for passports and passport renewals have been told processing will take up to 18 weeks (compared with about 6 weeks prior to the pandemic).

Would-be travelers have taken to social media to express their frustrations and to seek creative workarounds. Others have flooded the inboxes of their representatives in Washington with [pleading messages](#). Yet relief is still a long way off. While possession of a passport and the freedom of movement that it brings may seem like American birthrights, this is a time to remember that these rights must be safeguarded constantly.

We might well recall that one of the most talented men of the twentieth century could not travel for most of the 1950s because the US government refused to process his passport application. Paul Robeson, the legendary singer, actor, and global civil rights leader fell afoul of the Truman administration after he criticized the President for his decision to enter the Korean War. In the midst of the McCarthy era, Robeson had deigned to publicly question America's commitment to stopping the spread of communism, while the freedom of African Americans was still assailed at home. As a consequence, in the summer of 1950, FBI Director J. Edgar Hoover [sent his agents](#) to locate Robeson in New York City and confiscate his passport.

When the Robeson declined to surrender the document to the FBI, the State Department [notified immigration and custom officials](#) that the passport had been cancelled and they should "to endeavor to prevent his departure from the US."

The confiscation took place just two years after the United Nations had adopted the Universal Declaration of Human Rights and its protections for the freedom of movement. [Article 13, Section 2](#) of the document states that "everyone has the right to leave any country, including his own, and to return to his country." In part, the declaration sought to address the plight of refugees who had so recently escaped the persecution and violence of the Third Reich. But as the German-Jewish refugee and political philosopher, Hannah Arendt, soon to pointed out, the UN still needed nation-states to [defend the "universal" rights](#) of human beings. What, then, if a nation-state had no interest in protecting an individual's freedom of movement?

Seeking the return of his passport, Robeson spent much of the 1950s in a pitched legal battle with the State Department. Officials eventually [confessed](#) their motives: "his frequent criticism of the treatment of blacks in the United States should not be aired in foreign countries." In previous generations, the US government had denied passports to political activists such as Frederick Douglass and Ida B. Wells for much the same reason. Although Robeson benefitted from the efforts of his friends abroad and his team of lawyers at home, the State Department repeatedly refused to consider his application for a new passport. All the while, he continued to miss opportunities to support social justice causes and perform for admiring audiences overseas.

It was not until June 1958 that a case before the US Supreme court brought relief. In a 5-4 split decision over [Kent v. Dulles](#), the court affirmed that the State Department had violated

the rights of painter Rockwell Kent when it revoked his passport for his involvement with the World Peace Council. The department soon relented in its denial of Robeson's passport, conceding that the ruling applied to his case as well. But the damage had been done.

The [current delays](#) in passport application processing are largely due to Covid-19 restrictions and the reduced in-person workforce at the State Department. But the impact is much the same: classes and programs will be missed, business opportunities will be lost, international appointments will go unmet, families and friends will remain apart.

Fortunately, lawmakers are beginning to respond to the situation. House members Chrissy Houlahan (D-PA) and French Hill (R-AR) have sent [a letter](#) to Secretary of State Blinken demanding that the State Department "prioritize effort to reduce processing time for passport applications." Under pressure from their constituents, lawmakers have also reintroduced the [Bipartisan Passport Backlog Elimination Act](#), which requires the department to submit a plan to eliminate the passport backlog within 30 days after its enactment. The final provision of the bill also requires that the State Department Inspector General to submit an audit on the effectiveness of the plan within 6 months.

As the policy wrangling continues, millions of our fellow Americans will go on waiting for their freedom of movement. But we should all pause in the knowledge that for some the right to leave our country and return was already compromised. Consider the recent case of Dana Zzyym. In 2014, Zzyym, a US Navy veteran who identifies as intersex, [sued the State Department](#) because their passport application was denied after they refused mark either "M" for male or "F" for female on the form. The denial has prevented Zzyym from traveling abroad as the associate director of the Intersex Campaign for Equality; a follow-up case, [Zzyym v. Pompeo](#), has now been dragging through the US court system [for years](#).

Nonetheless, there is reason for hope. In February 2021, shortly after Joe Biden was sworn in as President, [White House spokesman Matt Hill stated](#) that President remained committed to "advancing state and federal efforts that allow transgender and nonbinary Americans to update their identification documents to accurately reflect their gender identity." In June of this year, [Secretary of State Blinken announced](#) that his department had "begun moving towards adding a gender marker for non-binary, intersex, and gender non-conforming persons applying for a passport." In doing so, he cited the Biden administration's commitment "to promote and protect the human rights of LGBTQI+ persons around the world."

Despite these promising developments, Zzyym and their allies cannot yet claim victory. For the statement by Secretary Blinken also claimed that "the process of adding a gender marker for non-binary, intersex, and gender non-conforming persons to these documents is technologically complex and will take time for extensive systems updates." As increasingly-impatient Americans wait for the processing of their passport applications through the summer and fall, we should acknowledge that the rights of many remain deferred, indefinitely.