

Mr. PATMAN. On what basis do you refuse to answer? Mr. Conte would like to know and I would like to know.

Mr. HAYES. I refer that to counsel.

Mr. CONTE. All right, let's hear from counsel.

Mr. RAY. Mr. Hayes had stated for 2 or 3 days, Mr. Conte, that as trustee he does not believe that he has the right to allow the membership, its privacy, to be invaded, and on that basis has consistently refused to reveal who the members are, so that they may not be subject to harassment, and that is the basis——

Mr. PATMAN. Be subject to what?

Mr. RAY. Harassment.

Mr. CONTE. You and I went through this at great length last week. Under what provisions of law, under what case or under what part of the Constitution are you seeking to gain this "umbrella"?

Mr. RAY. May I suggest that the Supreme Court itself——

Mr. CONTE. In what case?

Mr. RAY. In *Griswold v. Connecticut*——

Mr. CONTE. That is marital relationship, the right of privacy.

Mr. RAY. It was the right of privacy. It raised it to a——

Mr. CONTE. The courts spelled out a right of marital privacy as being within the specific guarantees of the Bill of Rights. This is not a marital relationship here.

Mr. RAY. The court also went on to state that the right of privacy was not even enumerated in the Constitution because it was retained by the people.

Mr. CONTE. Do you agree with me that that was a marital case?——

Mr. RAY. Yes, sir.

Mr. CONTE (continuing). And therefore, not in point.

Mr. RAY. No, sir.

Mr. CONTE. Do you have any other citations, counsel?

Mr. RAY. On the right to privacy?

Mr. CONTE. Yes.

Mr. RAY. Or association or freedom of association?

Mr. CONTE. You were pleading the right of privacy here, that his right not to answer these questions is based on the right of privacy. I have asked you to give me some citations. You gave me *Griswold v. Connecticut* which was a marital case, and which is not in point. It is not germane whatsoever. Do you have any other cases?

Mr. RAY. Yes; the whole series of NAACP cases.

Mr. CONTE. That was altogether different also. You know that as a very learned attorney, Mr. Ray. The court very clearly stated that the revealing of the NAACP membership lists was an unwarranted invasion and would be depriving the people of their right to due process.

Mr. PATMAN. Mr. Conte, I have finished asking questions of these gentlemen. You may proceed, if you like.

Mr. CONTE. In the case of *NAACP v. Alabama*, the case decided was in regard to the right of freedom of association; I quote:

The exclusive beneficiary thereof has been the NAACP, a membership association. It has enjoyed the protection of that right in the form of an exemption from compelled disclosure of its members principally for the reason that it has engaged in the advocacy of particular beliefs.

Unlike the NAACP, your organization, ABC, is not engaged in such advocacy, an activity protected by the first amendment.

Mr. RAY. That is correct.