

You will note, Mr. Chairman, that my bill does not contain the word "Communist" in it, nor does it refer to "Communist-front organizations." Reasonable inquiry into the affiliations of the employee would be permitted, and I assume and would expect that one of the purposes for any such inquiry would be to ascertain whether the employee was a Communist or had affiliations with Communists. I do not believe, however, that in view of the Court decisions it would be wise for the Congress to list any specific associations or affiliations by statute which would raise the presumption that the employee would engage in sabotage, espionage, or other subversive acts.

I want to make it clear that I feel the objective of Communists in this country is the overthrow of our democratic institutions with the substitution of a totalitarian, communistic society. I have no doubt in my mind that any Communist who would work in a defense facility would engage in sabotage, espionage, or other subversive activities.

It has been asserted that all the *Robel* decision said was that we could not make it unlawful for a Communist to work in defense plants. The Court in the *Robel* case was telling us not only what has been specifically designated here today, but it also seems that they are telling us that we cannot require the firing of a person simply because of his association or affiliation with Communists. The Court asserts that this would violate freedom of association.

It is for these reasons that I recommend that any legislation reported out by this committee in this area not contain language referring to "Communists" or "Communist-front" organizations, but instead set up procedures by which Communists and their kind can be weeded out—with due process—when there is reasonable grounds to believe that they have subversive tendencies.

Recently I came across a lecture by Justice Hugo Black, who, as you may know, held with the majority in *Robel*. In so many words the Justice told the Columbia University Law School audience in March that he feels that once the Supreme Court gets a case in which the constitutional issue is ripe they, the Supreme Court, will declare the statute establishing the Subversive Activities Control Board unconstitutional. Justice Black asserts that the Board "is allowed . . . to curtail the exercise the First Amendment rights of speech, assembly and association."

I believe we must, as Members of Congress, give careful consideration to those remarks and use every means at our disposal to avoid in new legislation unnecessary constitutional issues relating to freedom of speech and association. This is not to say that we should give up our efforts to curb subversion, but this does mean that we must turn our attention toward procedures embodying principles of due process or fairness which will be upheld by the Court as effective in combating subversion.

I think we should make it clear in the legislative history of this legislation that we expect anyone found to have Communist affiliations or associations to be given the closest possible scrutiny, and I would assume that any Communist leanings would immediately raise a flag, a "red flag" in front of the investigators as to the possible disposition of that person toward subversive activities.

I hope what I have said has been helpful to the committee in consideration of this legislation and I want to thank you again for this