

AMENDING SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950 1409

Must we extend the freedom of association clause in its entirety to members of the Communist Party, thus enhancing the possibilities of sabotage, espionage, or other subversive acts against the United States? Should individuals dedicated to our destruction be permitted to work in those sensitive areas such as defense facilities, where their doing so can aid that destruction? Why should we enable the Communists to use our freedoms as a means of gaining their goals, goals which would ultimately replace our inalienable rights with Communist doctrines?

The problem we are faced with not only today, but yesterday and tomorrow, is whether or not a nation has the right to limit any freedom of a group dedicated to our destruction to insure complete freedom for the majority. A Roman proverb says, "The safety of the people must be the supreme law." The necessity to impose certain limitations on the right of association clause is essential for the internal security of the United States.

STATEMENT OF HON. HERVEY G. MACHEN, A U.S. REPRESENTATIVE FROM MARYLAND

Mr. Chairman and Members of the Committee, I represent the Fifth Congressional District of Maryland which is composed of Prince George's and Charles Counties, Maryland.

I appear before you today to testify in behalf of H.R. 15018, which I cosponsored. The Supreme Court recently struck down a provision making it a crime for a member of the Communist Party to work in a United States defense plant. It found that "in the balance of Constitutional rights," freedom to associate vastly overshadows the right of the Government to guard against sabotage and espionage in its national defense industries.

The Court has found time and time again that the rights of the criminal weigh heavier in the balance than the rights of society to its security. The battle we wage against crime in the streets—a war of compelling proportions—is hindered by Court decisions which provide one obstacle after another to the apprehension and successful prosecution of criminals.

The winning of the war against Communist aggression is rendered increasingly more difficult by decisions which invite the spread of the conflict to our own land. No one denies that the individual and the accused have rights which must be preserved from encroachment; yet, so too must the rights of the whole society. It is in the consideration of the interests of this group that I cosponsored H.R. 15018.

The enactment of this legislation is, I believe, clearly in the best interests of the Nation. Certainly, no patriotic American can quarrel with the intent of this legislation to bar from employment in our defense facilities individuals believed disposed to commit acts of sabotage, espionage, or other acts of subversion. Exclusion of such individuals would not be done arbitrarily under the provisions of this bill. Anyone barred under these provisions would be given a reasonable opportunity to defend himself against such action including, if he requested, a hearing.

Whereas our Constitution has been an extremely durable document, needing few amendments to guide a changing society, decisions such as those made by the Court in areas adversely affecting our national defense posture must be reversed. The rulings of a body of nine men, appointed for life, must be subject to final approval by the whole society affected by them.

From the beginning of its history, this country has found it wise to provide checks and balances among the various branches of Government. My bill continues that ideal. It states that it is the people and through them their elected representatives who shall have the final word as to who shall be employed in facilities integrally a part of our national defense system and who shall not. Therefore, I urge you and the members of the committee, Mr. Chairman, to report this bill to the House for consideration so that the people can be heard clearly in this matter.

STATEMENT OF HON. DON FUQUA, A U.S. REPRESENTATIVE FROM FLORIDA, ON H.R. 15272

Mr. Chairman. It would seem that one of the basic responsibilities of any nation is to protect its people.

A recent decision of the Supreme Court has ruled unconstitutional certain sections of the Subversive Activities Control Act of 1950. It is obvious that I disagree with that ruling by the introduction of my bill which is part of these hearings.