

have done it lightly, and you have had conservatives on the Court who joined in opinions as to what the Government can do or can't do to people who belong to the Communist Party—is that you can't make a flat judgment as to why people are Communists. There are different kinds of Communists. They join for different reasons, they join at different times. You can't assume that merely because a person is a Communist that he necessarily is a spy or is going to turn over classified information.

Mr. ASHBROOK. So what you are saying, to reiterate, and I want to make sure your words are correct, I believe you drew a distinction, a plain, everyday, average Communist, in any sensitive position with access to any secret information would be all right, as far as you and your organization is concerned.

Mr. SPEISER. You are putting words in my mouth, because——

Mr. ASHBROOK. You stated a Communist, a person who just happens to belong. I think you can answer that yes or no.

Mr. SPEISER. Except that I am not sure, again, Mr. Ashbrook, how you are using the term, and whether you are using it in the same sense that I am, when you say, "a plain, everyday, average Communist."

Mr. ASHBROOK. That is one you can't show is working for a foreign power. And you can't show he is going to turn over the information. He just happens to be a Communist.

Mr. SPEISER. And you can't show the specific intent to further illegal aims?

Mr. ASHBROOK. He just is a member of the Communist Party.

Mr. SPEISER. Then in answer to that question, the answer is no.

Mr. ASHBROOK. As far as you are concerned, he could have any sensitive position.

Mr. SPEISER. If all that you know about him is that.

Mr. ASHBROOK. Is that he is a Communist, period.

Mr. SPEISER. You have to know something more. That may be the basis for a further inquiry about him. But you can't use that, we believe, as the end of your inquiry, and on that basis, exclude him.

Mr. ASHBROOK. I see. Excuse me. Would the same thing go for an average, everyday member of the Mafia, belonging to the police force, or something like that? Simply because he belongs to the Mafia, you wouldn't prejudge him, let him hold any position of responsibility, influence, or exercising office?

Mr. SPEISER. I am not sure that the Mafia is as clearly defined a group in our society as the Communist Party, but the answer again is essentially the same.

Mr. ASHBROOK. The same old everyday Mafia member.

Mr. SPEISER. You see, I don't know what you mean by "Mafia." If you mean that he is a member of a family, and the family is involved in what is ordinarily referred to as the Mafia, then the answer is no.

Mr. ASHBROOK. I say "I am a member of the Mafia," and you don't think society has any right to say, "You should not be a chairman or head of a grand jury," or something like that.

Mr. SPEISER. Well, again, I don't know what you mean by the Mafia, as compared to what I think it means.

Mr. ASHBROOK. Well, I think that probably you believe that there are good and bad Communists, and there very well may be. I guess I just don't agree with you.