

Mr. TUCK. Now right at that point, I don't like to disagree with the distinguished Supreme Court of the United States. Maybe they might be right about the right of association. You may have the right to associate with anyone, but if you do associate with someone who is bad, why then it seems to me that you have the right not to associate with them.

Mr. HENDERSON. I certainly agree, Mr. Chairman.

I might also say at this point that I am sure that I would not have to convince the chairman, who visits eastern North Carolina as often as you do, about the sentiments of my people, but, for the record, I am delighted to have made the statement I did.

Mr. TUCK. Yes, I may say at that point that I am well acquainted with the territory represented by the gentleman from North Carolina and well acquainted with many of its citizens, a great number of whom have made themselves distinguished in the field of government, industry, and in the cultural world. It is a very beautiful, picturesque, and serene section of our country. And whenever I have the privilege of visiting that part of North Carolina, I come back with a renewed appreciation of our great country, and particularly the Old North State.

Mr. HENDERSON. Thank you, Mr. Chairman.

I am certain that the argument will continue to be advanced that we are attempting to exercise "thought control" to suppress freedom of thought, and all sorts of similar contentions.

It seems to me that somewhere, sometime, we must face the fundamental question, "How long are we going to permit avowed enemies of our constitutional form of government to advocate its violent overthrow?" At the present time, not only have we failed to attach any criminal penalties to membership in the Communist Party, but by permitting known Communists to be gainfully employed by defense contractors, we are literally feeding the hand which bites us.

Mr. Chairman, of course I recognize the long interest of you and other members of this committee, your very fine staff, in the pursuit of the objective that I have in mind.

Now in the case of *United States v. Robel*, decided December 11, 1967, the U.S. Supreme Court ruled that the provisions of the Subversive Activities Control Act of 1950 were unconstitutional when applied in such a manner as to deny employment to Robel, a known member of the Communist Party of the United States, at the Todd Shipyards Corporation in Seattle, Washington, which had been designated by the Secretary of Defense as a "defense facility" as that term is defined in the act.

Among other points mentioned by the Court was the fact that the Subversive Activities Control Act was too broad; that it did not establish meaningful standards for the designation of defense facilities by the Secretary of Defense, or provide specific authority for the Secretary of Defense to establish personnel screening facilities, including the regulation of the privileges of confrontation and cross-examination.

Frankly I cannot escape the conclusion that the Court in this case, as in so many others in a similar vein, was engaging in judicial nit picking of the nth degree, but I hope that in H.R. 15626 we have effectively provided for these nits to be eliminated.