

And I said I seem to recollect that in my first-grade primer it said that one rotten apple in a barrel might infest the others, at least the apples coming in contact with it, so I think this freedom-of-association business is just stretched just a little bit too far sometimes.

I don't want to chastise the Supreme Court. There is freedom of association in this country. There should be. I don't think there is any question about that. But I doubt that a father would be proud, during the prohibition days, as I said yesterday, that a son would associate with Al Capone or I doubt that a father, to be perfectly frank—we are all of age around here—I doubt that a mother would be proud of her daughter's association with a slut, a woman of the street. I would doubt that. But however, constitutionally, I can appreciate the liberty of association, but I think sometimes they push that doctrine just a little bit too far for me. What about you?

Mr. RARICK. Mr. Chairman, I agree with you. I am wondering if we can expect the Supreme Court to give that same freedom of association to this open housing bill that just passed, by declaring unconstitutional any of the regimented attempts or programs to racially break down neighborhood patterns.

Certainly such laws would destroy freedom of association, because a man could not dispose of his own property to people of his choosing or his neighbors' liking. I wonder what they will do with that?

Mr. TUCK. Freedom of association also includes the freedom not to associate, doesn't it?

Mr. RARICK. Yes, it should. I think what the chairman said, Mr. Tuck, if a man wants to associate with Al Capone, let him associate, but I think that people who deal with him, especially if there is danger involved, should know who he is dealing with. Certainly so where there is a threat to the security of our Nation, I think this is the responsibility that we have.

The CHAIRMAN. Well, frankly I have withheld expressing the views I have just expressed, as chairman of this committee, because somebody is going to chastise me. I know that probably in tomorrow's press, some way, and I want to make it clear and repeat that I will keep my mouth shut, as a matter of law.

As a lawyer of 42 years of experience and as a man who taught law 10 years, I agree with the principle of the liberty of association or non-association—as a matter of law. But as a matter of philosophy and practice in everyday life, I think that the doctrine is more pragmatic in life than it becomes in technical law, and I think they push it too far as a matter of law.

Mr. RARICK. Well, I agree with you, Mr. Chairman, especially when it comes to employment in defense facilities.

The CHAIRMAN. Of course you are absolutely right.

Mr. RARICK. Federal employment is a privilege. It is not a guaranteed right.

Unless they have completely rewritten the Constitution and all theories of legal precedent, the sovereign is the sovereign and if we work for the sovereign, we can expect that we should have some curtailment of what otherwise might be rights or protections and privileges.