

1446 AMENDING SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950

I even think that a clerk in the lunch room of a defense facility is a sensitive employment because people going in and getting a cup of coffee and relaxing for a minute are liable to make some comment, and certainly any foreign power or group out to advocate the overthrow of our country would gain intelligence with people in these positions.

I question this was the basis on which the Supreme Court ruled, but they talked about these things. They had to, I guess—

The CHAIRMAN. Well anyway I do hope that we have corrected this bill, and we have tried to, even the Supreme Court would say that from now on, at least, it will be nonlawful to employ people in national defense occupations that are specifically defined in this bill, and no question about it.

Mr. RARICK. Mr. Chairman, if I may leave my short statement here. I think that you gentlemen are well apprised of the situation we face, and the need that must flow from this committee, and I for one will support the legislation, vote for it, and do everything in my power to help you in getting this bill passed.

The CHAIRMAN. Thanks. We need more like you.

Mr. RARICK. I think this bill is necessary as a pledge of faith to the future of America itself.

The CHAIRMAN. Yes. Thank you very much.

Mr. RARICK. It is a pleasure to be here this morning, Mr. Chairman.

The CHAIRMAN. Thank you.

(Mr. Rarick's prepared statement follows:)

STATEMENT IN SUPPORT OF H.R. 15626 BY HON. JOHN R. RARICK

Mr. Chairman, Members of the Committee: I am proud to join with my many distinguished colleagues in cosponsoring H.R. 15626, a bill to amend the Subversive Activities Control Act of 1950. This committee is duty bound to report favorably on this measure; the Congress must approve it; our Nation must have its protection. These are perilous times. We must do all in our power to assure our people that America has an invincible shield against the constant assaults of the Communist conspiracy. Our people look to us in Congress for this protection.

Twice within the last 3 months, the U.S. Supreme Court has attempted improvidently to strike down the legal protection we so diligently sought to establish. This Court, which seems intent upon jeopardizing America's ability to protect herself from the Communist threat from within, struck down a vital provision of the Subversive Activities Control Act. This same Court, seemingly intent to destroy the security of our national defense program, has not only repudiated the word of Congress, but also the President of the United States' power to protect defense facilities from infiltration by subversive elements. The members of that Court ask to be given specific instructions of congressional intent in these matters and this legislation proposes to do just that.

Last December, in *United States v. Robel*, the Court invalidated section 5(a) (1) (D) of the Subversive Activities Control Act. This provision very simply stated that when a Communist-action organization has been ordered by the Subversive Activities Control Board to register, it shall be unlawful for any member of such an organization to be employed in any United States defense facility. Robel, an admitted Communist, continued to work in a Seattle shipyard, in the knowledge that the yard has been designated by the Secretary of Defense as a defense facility. The Communist Party had been ordered by the Subversive Activities Control Board to register, and the registration order had been upheld by the Supreme Court. The Court, however, upheld Robel's position and struck down the relevant provision of the act for the weak reasoning that it "contains the fatal defect of overbreadth because it seeks to bar employment both for association which may be proscribed and for association which may not be proscribed consistently with First Amendment rights." Moreover, objection was