

preservation of our Nation from enemies, foreign and domestic, and the further responsibility for the protection of life and property of all citizens and residents. In the exercise of these responsibilities, he should not be handicapped by unnecessary or prolonged appeals.

The decision of the Supreme Court in the case of *United States v. Eugene Frank Robel* is cause for great concern. This decision of December 11, 1967, held that a known member of the Communist Party may not be barred from employment in defense industries which are important to the national security and based its decision on the first amendment.

The bill under consideration today will, I hope, meet the test of constitutionality, because the country desperately needs protection internally from the Communist conspiracy dedicated to force and violence.

I call attention to the words of Mr. Justice White and Mr. Justice Harlan in the *Robel* case:

The constitutional right found to override the public interest in national security defined by Congress is the right of association, here the right of respondent Robel to remain a member of the Communist Party after being notified of its adjudication as a Communist-action organization. Nothing in the Constitution requires this result. The right of association is not mentioned in the Constitution. It is a judicial construct appended to the First Amendment rights to speak freely, to assemble, and to petition for redress of grievances. * * *

The majority opinion completely ignores the fact that individual rights and the right of association are not absolute. For example, freedom of petition, formerly unregulated, has been severely restricted to insulate legislators from improper influence.

Freedom of association must pay obeisance to the antitrust laws, labor laws, and other laws.

A citizen or resident must register with the Attorney General if he is acting as the representative of a foreign principal, yet the Communist Party, U.S.A., acting as the agent of a foreign principal cannot be forced to register by courtesy of the Supreme Court. The dissenting opinion in the *Robel* case pointed out, and I quote: "The law of criminal conspiracy restricts the purposes for which men may associate and the means they may use to implement their plans."

Is the Communist Party, U.S.A., not a criminal conspiracy to destroy the United States by force and violence? The Congress so determined when it passed the Subversive Activities Control Act of 1950 (64 Stat. 987). A Federal district court, a circuit court of appeals, and the Supreme Court itself so determined in the decision of 1961 in the case of *Communist Party, U.S.A. v. SACB* (367 U.S. 1). The Court determined that the party was directed and controlled by a foreign government or organization.

Mr. Justice Brennan, voting with the majority in the *Robel* case, said his quarrel with the provision of the law was based on the fact that the Congress gave the Secretary of Defense no meaningful standard to govern his designation of defense facilities, thus creating a danger of an arbitrary application of criminal sanctions in an area of protected freedoms. This is indeed tortured reasoning when applied to a criminal conspiracy such as the Communist Party.

Justice Brennan does have a good point with reference to memberships and associations other than the Communist Party. The Commission on Government Security in its report of June 1957 did recommend