

UNITED STATES *v.* ROBEL.

Id., at 511, n. 9. *Aptheker* involved a challenge to § 6 of the Subversive Activities Control Act, which provides that, when a Communist organization is registered or under a final order to register, it shall be unlawful for any member thereof with knowledge or notice thereof to apply for a passport. We held that "[t]he clarity and preciseness of the provision in question make it impossible to narrow its indiscriminate cast and overly broad scope without substantial rewriting." *Id.*, at 515. We take the same view of § 5 (a)(1)(D). It is precisely because that statute sweeps indiscriminately across all types of associations with Communist-action groups, without regard to the quality and degree of membership, that it runs afoul of the First Amendment.

In *Aptheker*, we held § 6 unconstitutional because it too broadly and indiscriminately infringed upon constitutionally protected rights. The Government has argued that, despite the overbreadth which is obvious on the face of § 5 (a)(1)(D), *Aptheker* is not controlling in this case because the right to travel is a more basic freedom than the right to be employed in a defense facility. We agree *Aptheker* is not controlling since it was decided under the Fifth Amendment. But we cannot agree with the Government's characterization of the essential issue in this case. It is true that the specific disability imposed by § 5 (a)(1)(D) is to limit the employment opportunities of those who fall within its coverage, and such a limitation is not without serious constitutional implications. See *Greene v. McElroy*, 360 U. S. 474, 492. But the operative fact upon which the job disability depends is the exercise of an individual's right of association, which is protected by the provisions of the First Amendment.⁷ Wherever one would place the right to

⁷ Our decisions leave little doubt that the right of association is specifically protected by the First Amendment. *E. g.*, *Aptheker v. Secretary of State*, *supra*, at 507; *Gibson v. Florida Legislative*