

UNITED STATES *v.* ROBEL.

travel on a scale of constitutional values, it is clear that those rights protected by the First Amendment are no less basic in our democratic scheme.

The Government seeks to defend the statute on the ground that it was passed pursuant to Congress' war power. The Government argues that this Court has given broad deference to the exercise of that constitutional power by the national legislature. That argument finds support in a number of decisions of this Court.⁸ However, the phrase "war power" cannot be invoked as a talismanic incantation to support any exercise of congressional power which can be brought within its ambit. "[E]ven the war power does not remove constitutional limitations safeguarding essential liberties." *Home Bldg. & Loan Assn. v. Blaisdell*, 290 U. S. 398, 426. More specifically in this case, the Government asserts that § 5 (a)(1)(D) is an "expression of the growing concern shown by the executive and legislative branches of government over the risks of internal subversion in plants on which the national defense depend[s]." ⁹ Yet, this concept of "national defense" cannot be deemed an end in itself, justifying any exercise of legislative power designed to promote such a goal. Implicit in the term "national defense" is the notion of defending those values and ideals which set this Nation apart. For almost two centuries, our country has taken singular pride in the democratic ideals enshrined in its Constitution, and the most cherished of those ideals have found expression in the First Amendment. It would indeed be ironic if, in the name of national defense, we would sanction the

Investigation Committee, 372 U. S. 539, 543; *Bates v. City of Little Rock*, 361 U. S. 516, 522-523; *NAACP v. Alabama ex rel. Patterson*, 357 U. S. 449, 460. See generally Emerson, *Freedom of Association and Freedom of Expression*, 74 Yale L. J. 1 (1964).

⁸ See, e. g., *Lichter v. United States*, 334 U. S. 742, 754-772; *Hirabayashi v. United States*, 320 U. S. 81, 93.

⁹ Brief for the Government, p. 15.