

UNITED STATES *v.* ROBEL.

Thus, § 5 (a)(1)(D) 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. See *Elfbrandt v. Russell*, 384 U. S. 11; *Aptheker v. Secretary of State*, *supra*; *NAACP v. Alabama ex rel. Flowers*, 377 U. S. 288; *NAACP v. Button*, *supra*. This the Constitution will not tolerate.

We are not unmindful of the congressional concern over the danger of sabotage and espionage in national defense industries, and nothing we hold today should be read to deny Congress the power under narrowly drawn legislation to keep from sensitive positions in defense facilities those who would use their positions to disrupt the Nation's production facilities. We have recognized that, while the Constitution protects against invasions of individual rights, it does not withdraw from the Government the power to safeguard its vital interests. *Kennedy v. Mendoza-Martinez*, 372 U. S. 144, 160. Spies and saboteurs do exist, and Congress can, of course, prescribe criminal penalties for those who engage in espionage and sabotage.¹⁸ The Government can deny access to its secrets to those who would use such information to harm the Nation.¹⁹ And Congress can declare sensitive positions in national defense industries off limits to those who would use such positions to disrupt the production of defense materials. The Government has told us that Congress, in passing § 5 (a)(1)(D), made a considered

¹⁸ Congress has already provided stiff penalties for those who conduct espionage and sabotage against the United States. 18 U. S. C. §§ 792-798 (espionage); §§ 2151-2156 (sabotage).

¹⁹ The Department of Defense, pursuant to Executive Order 10865, as amended by Executive Order 10909, has established detailed procedures for screening those working in private industry who, because of their jobs, must have access to classified defense information. 32 C. F. R. Part 155. The provisions of those regulations are not before the Court in this case.