

UNITED STATES *v.* ROBEL.

purposes. Compare *Keyishian v. Board of Regents*, 385 U. S. 589; *Elfbrandt v. Russell*, 384 U. S. 11, 17; *Scales v. United States*, 367 U. S. 203; *Schneiderman v. United States*, 320 U. S. 118, 136. Indeed, a member such as appellee, who has worked at the Todd Shipyards without complaint or known ground for suspicion for over 10 years, is afforded no opportunity to prove that the statute's presumption that he is a security risk is invalid as applied to him. And no importance whatever is attached to the sensitivity of the jobs held by Party members, a factor long considered relevant in security cases.¹ Furthermore, like § 6, § 5 (a)(1)(D) affects constitutionally protected rights. "[T]he right to hold specific private employment and to follow a chosen profession free from unreasonable governmental interference comes within the 'liberty' and 'property' concepts of the Fifth Amendment. . . ." *Greene v. McElroy*, 360 U. S. 474, 492. That right is therefore also included among the "[i]ndividual liberties fundamental to American institutions [which] are not to be destroyed under pretext of preserving those institutions, even from the gravest external dangers." *Communist Party v. SACB*, 367 U. S. 1, 96. Since employment opportunities are denied by § 5 (a)(1)(D) simply on the basis of political associations the statute also has the potential of curtailing free expression by inhibiting persons from establishing or retaining such associations. See *Wieman v. Updegraff*, 344 U. S. 183, 191. "Broad prophylactic rules in the area of free expression are suspect Precision of regulation must be the touchstone in . . . area[s] so closely touching our most precious freedoms." *NAACP v. Button*, 371 U. S.

¹ See *Cole v. Young*, 351 U. S. 536, 546:

"[I]t is difficult to justify summary suspensions and unreviewable dismissals on loyalty grounds of employees who are not in 'sensitive' positions and who are thus not situated where they could bring about any discernible adverse effects on the Nation's security."