

UNITED STATES *v.* ROBEL.

ful constitutionality, requires careful and purposeful consideration by those responsible for enacting and implementing our laws." *Greene v. McElroy, supra*, 360 U. S., at 507.

*Second.* We said in *Watkins v. United States*, 354 U. S. 178, 205, that Congress must take steps to assure "respect for constitutional liberties" by preventing the existence of "a wide gulf between the responsibility for the use of . . . power and the actual exercise of that power." Procedural protections to avoid that gulf have been recognized as essential when fundamental freedoms are regulated, *Speiser v. Randall*, 357 U. S. 513; *Marcus v. Search Warrant*, 367 U. S. 717, 730; *A Quantity of Copies of Books v. Kansas*, 378 U. S. 205, 213, even when Congress acts pursuant to its "great powers," *Kennedy v. Mendoza-Martinez*, 372 U. S. 144, 164. Without procedural safeguards, regulatory schemes will tend through their indiscriminate application to inhibit the activity involved. See *Marcus v. Search Warrant, supra*, 367 U. S., at 734-735.

It is true that "[a] construction of the statute which would deny all opportunity for judicial determination of an asserted constitutional right is not to be favored." *Lockerty v. Phillips*, 319 U. S. 182, 188. However, the text and history of this section compels the conclusion that Congress deliberately chose not to provide for protest either to the Secretary or the courts from any designation by the Secretary of a facility as a "defense facility." The absence of any provision in this regard contrasts strongly with the care that Congress took to provide for the determination by the SACB that the Party is a Communist-action organization, and for judicial review of that determination. The Act "requires the registration only of organizations which . . . are found to be under the direction, domination, or control of certain foreign powers and to operate primarily to