

196—OPINION

SCHNEIDER v. SMITH.

No act of sabotage or espionage or any act inimical to the security of the United States is raised or charged in the present case.

In *United States v. Rumely*, 345 U. S. 41, the Court construed the statutory word "lobbying" to include only direct representation to Congress, its members, and its committees, not all activities tending to influence, encourage, promote, or retard legislation. *Id.*, at 47. Such an interpretation of the statute, it was said, was "in the candid service of avoiding a serious constitutional doubt" (*ibid.*)—doubts that were serious "in view of the prohibition of the First Amendment." *Id.*, at 46.

The holding in *Rumely* was not novel. It is part of the stream of authority which admonishes courts to construe statutes narrowly so as to avoid constitutional questions.⁵

The Court said in *Rumely*, "Whenever constitutional limits upon the investigative power of Congress have to be drawn by this Court, it ought only to be done after Congress has demonstrated its full awareness of what is at stake by unequivocally authorizing an inquiry of dubious limits. Experience teaches us to tread warily in this domain." 345 U. S., at 46.

The present case involves investigation, not by Congress but by the Executive Branch, stemming from congressional delegation. When we read that delegation with an eye to First Amendment problems, we hesitate to conclude that Congress told the Executive to ferret out the ideological strays in the maritime industry. The words it used—"to safeguard . . . from sabotage or other subversive acts"—refer to actions, not to ideas or

⁵ *United States v. Delaware & H. Co.*, 213 U. S. 366, 407-408; *United States v. Harris*, 347 U. S. 612, 618, n. 6; *International Machinists v. Street*, 367 U. S. 740, 749; *Lynch v. Overholser*, 369 U. S. 705, 710-711; *United States v. National Dairy Corp.*, 372 U. S. 29, 32.