

1 perpetuated no matter how successful we would be in  
2 overthrowing the Ober Bill and all other laws of this  
3 nature.

4 The Supreme Court has already held that the  
5 States cannot criminally enforce statutes against sub-  
6 versive activities as applied to the Federal Government  
7 in the Nelson case, and insofar as our present Ober Law  
8 purports to prevent subversion against the Federal Govern-  
9 ment, it is ineffective and unconstitutional.

10 In the Shub case which Lew referred to, the  
11 Court held that the State could not preclude an individual,  
12 a State individual from running for Federal office under  
13 the terms of the Ober Bill, so that in some part it is  
14 already ineffective.

15 Section 11, however, in its expression of a  
16 view would stand untrammled, I think, forever. I don't  
17 believe that the section itself would be unconstitutional,  
18 by virtue of any decision that the Court makes, it would  
19 just be ineffective.

20 THE CHAIRMAN: Mr. Sykes.

21 MR. SYKES: Can I ask whether the committee is