



Follow-up

Directions: Read the follow-up information and answer the question that follows.

In its ruling in *Yates v. United States* (1957), the Supreme Court majority reversed the Smith Act convictions of all defendants, holding that the law prohibited only express incitement to specific unlawful conduct. This interpretation provided a higher level of protection for rights of free speech, press, and association, and only 29 of those indicted under the law actually served time in prison.

Since 1971, the McCarran Act has been essentially obsolete. In *Albertson v. Subversive Activities Control Board* (1965), the Court unanimously ruled that, in spite of the Section 4 statement to the contrary,

the McCarran Act's required registration of the Communist Party and its members amounted to self-incrimination under the Fifth Amendment, and was therefore unconstitutional. The Court overturned another provision of the law in 1967. In *United States v. Robel* the majority ruled that the provision making it unlawful for a member of a communist organization to work for a defense facility is a violation of the First Amendment's right of association. Finally, in 1971 Congress repealed the "internal security emergency" detention camps provision with the Non-Detention Act.

Critical Thinking Question

1. In what ways did these later actions by the Supreme Court and by Congress provide a higher level of protection to civil liberties than that of the earlier laws and decisions?