assembly."[604] "[T]hese indispensable liberties, whether of speech, press, or association,"[605] may be abridged by governmental action either directly or indirectly, wrote Justice Harlan, and the state had failed to demonstrate a need for the lists which would outweigh the harm to associational rights which disclosure would produce.

Applying the concept in subsequent cases, the Court, in *Bates v. City of Little Rock*,[606] again held that the disclosure of membership lists, because of the harm to "the right of association," could be compelled only upon a showing of a subordinating interest; ruled in *Shelton v. Tucker*[607] that, though a state had a broad interest to inquire into the fitness of its school teachers, that interest did not justify a regulation requiring all teachers to list all organizations to which they had belonged within the previous five years; again struck down an effort to compel membership lists from the NAACP;[608] and overturned a state court order barring the NAACP from doing any business within the state because of alleged improprieties.[609] Certain of the activities condemned in the latter case, the Court said, were protected by the First Amendment and, though other actions might not have been, the state could not infringe on the "right of association" by ousting the organization altogether.[610]

A state order prohibiting the NAACP from urging persons to seek legal redress for alleged wrongs and from assisting and representing such persons in litigation opened up new avenues when the Court struck the order down as violating the First Amendment.[611] "[A]bstract discussion is not the only species of communication which the Constitution protects; the First Amendment also protects vigorous advocacy, certainly of lawful ends, against governmental intrusion. . . . In the context of NAACP objectives, litigation is not a technique of resolving private differences; it is a means for achieving the lawful objectives of equality of treatment by all government, federal, state and local, for the members of the Negro community in this country. It is thus a form of political expression. . . ."

"We need not, in order to find constitutional protection for the kind of cooperative, organizational activity disclosed by this record, whereby Negroes seek through lawful means to achieve legitimate political ends, subsume such activity under a narrow, literal conception of freedom of speech, petition or assembly. For there is no lon-

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[604] NAACP v. Alabama ex rel. Patterson, 357 U.S. 449, 460 (1958).
[605] 357 U.S. at 461.
[606] 361 U.S. 516 (1960).
[607] 364 U.S. 479 (1960).
[608] Louisiana ex rel. Gremillion v. NAACP, 366 U.S. 293 (1961).
[609] NAACP v. Alabama ex rel. Flowers, 377 U.S. 288 (1964).
[610] 377 U.S. at 308, 309.
[611] NAACP v. Button, 371 U.S. 415 (1963).