on unexplained membership in an organization so advocating with knowledge of the advocacy.[726] With regard to the required list, the Justice observed that the state courts had interpreted the law to provide that a person could rebut the presumption attached to his mere membership.[727]

Invalidated the same year was an oath requirement, addressed to membership in the Communist Party and other proscribed organizations, which the state courts had interpreted to disqualify from employment "solely on the basis of organizational membership." Stressing that membership might be innocent, that one might be unaware of an organization's aims, or that he might have severed a relationship upon learning of its aims, the Court struck the law down; one must be or have been a member with knowledge of illegal aims.[728] But subsequent cases firmly reiterated the power of governmental agencies to inquire into the associational relationships of their employees for purposes of determining fitness and upheld dismissals for refusal to answer relevant questions.[729] In *Shelton v. Tucker*,[730] however, a five-to-four majority held that, although a state could inquire into the fitness and competence of its teachers, a requirement that every teacher annually list every organization to which he belonged or had belonged in the previous five years was invalid because it was too broad, bore no rational relationship to the state's interests, and had a considerable potential for abuse.

The Court relied on vagueness when loyalty oaths aimed at "subversives" next came before it. In *Cramp v. Board of Public Instruction*,[731] it unanimously held an oath too vague that required one to swear, *inter alia*, that "I have not and will not lend my aid, support, advice, counsel or influence to the Communist Party." Similarly, in *Baggett v. Bullitt*,[732] the Court struck down two oaths, one requiring teachers to swear that they "will by precept and example

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[726] 342 U.S. at 492.

[727] 342 U.S. at 494–96.

[728] Wieman v. Updegraff, 344 U.S. 183 (1952).

[729] Beilan v. Board of Education, 357 U.S. 399 (1958); Lerner v. Casey, 357 U.S. 468 (1958); Nelson v. County of Los Angeles, 362 U.S. 1 (1960). *Compare* Slochower v. Board of Higher Education, 350 U.S. 551 (1956). For the self-incrimination aspects of these cases, see Fifth Amendment, "Self-Incrimination: Development and Scope," *infra*.

[730] 364 U.S. 479 (1960). "It is not disputed that to compel a teacher to disclose his every associational tie is to impair that teacher's right of free association, a right closely allied to freedom of speech and a right which, like free speech, lies at the foundation of a free society." Id. at 485–86. Justices Frankfurter, Clark, Harlan, and Whittaker dissented. Id. at 490, 496.

[731] 368 U.S. 278 (1961). For further proceedings on this oath, *see* Connell v. Higginbotham, 305 F. Supp. 445 (M.D. Fla. 1970), *aff'd in part and rev'd in part*, 403 U.S. 207 (1971).

[732] 377 U.S. 360 (1964). Justices Clark and Harlan dissented. Id. at 380