

We are not issuing an edict from Washington that everybody has to do such and such under certain circumstances. It is a decision, first of all, by the individual lawyer operating under a local board of directors, which in the case of Cincinnati are Cincinnati lawyers. They are not Washington lawyers. In fact, that board of directors isn't even composed of paid people. It is a community-based group of lawyers working in coordination with and with the approval of the Bar Association of Cincinnati and the National Bar Association group there, including some of the most distinguished lawyers in Cincinnati and the preexisting Legal Aid Association.

So I want to make it clear that it is not his agency, as you say, what is your agency doing about it? These are local programs under local jurisdiction.

Mr. GURNEY. Of course, they are funded by the Office of Economic Opportunity.

Mr. SHRIVER. We fund them, that's right, but my point is Earl Johnson would not be making a decision about whether or not to represent nor would anybody in Washington be making a decision about whether or not a particular person should get representation in Cincinnati, Tampa, Tulsa, Chicago or any other place. That is done by the local group.

Mr. GURNEY. Let me ask this, since we are pursuing that subject.

Of course I am sure that a lot of the people involved in the riots are swept up in the emotion of the moment and to that extent you might say they were innocent, but I think there also is some evidence that there is sort of nationwide movement on foot spearheaded, I am sure, by some people to cause riots.

As you well know, the Congress is quite concerned about that and will be holding hearings on an antiriot bill within a few days and probably report one out this year. Therefore, there are some irresponsible elements, I believe, in this business, too.

What precaution does your agency take or your legal appendages take, Mr. Johnson, in order to insure that you are not representing, shall we say, the irresponsible, as well as those who can be identified? Do you attempt to identify them? Do you attempt to single out those that perhaps shouldn't be defended and those that should?

Mr. JOHNSON. No, pursuant to the canons of our profession, which require that lawyers represent unpopular as well as popular causes, and represent the undeserving as well as the deserving, the legal services programs would be violating the canons if they separated the irresponsible from the responsible, the guilty from the innocent, the popular from the unpopular or the deserving from the undeserving.

Mr. GURNEY. As a lawyer, I recognize this, too. Suppose the Congress does enact an antiriot bill. Is your agency going to defend people who are prosecuted under the antiriot bill?

Mr. JOHNSON. If an antiriot bill was passed, it would then become—this is Federal legislation, I believe—it would become a Federal crime, it would go to the Federal courts, and lawyers compensated under the Criminal Justice Act would be providing the defense in those cases.

Those would be public defenders in some cases; in some districts this is done through public defender and in other districts through