

D. THE PROVISION IN § 214 PROHIBITING ACTIVITIES IN CONNECTION WITH THE PERFORMANCE OF DUTIES THAT ARE IN VIOLATION OF LAW SHOULD BE CLARIFIED

§ 214 of H.R. 8311, which has no counterpart in the Economic Opportunity Act, as amended, provides that:

"Each community action agency shall . . . define employee duties of advocacy on behalf of the poor in an appropriate manner which will in any case preclude employees from participating, in connection with the performance of their duties, in any form of picketing, protest, or other direct action which is in violation of law."

We are afraid that this provision might be used to prevent OEO workers from championing the rights of the poor by such means as protests when there is serious question as to the constitutional validity of the law they are supposedly violating by their protest. These protests may be no more than verbal ones, and state laws which preclude such protests may very well contain provisions that are contrary to the first amendment. Some clarification is therefore warranted, either in the report that this committee will file, or in the act itself.

STATEMENT OF LAWRENCE SPEISER, DIRECTOR, WASHINGTON OFFICE, AMERICAN CIVIL LIBERTIES UNION

Mr. SPEISER. I will merely summarize the points that are in the prepared statement.

Chairman PERKINS. You may do so.

Mr. SPEISER. Although the bill, H.R. 8311, and its predecessors are eminently desirable and necessary in our society, such measures don't fall within the purview of the American Civil Liberties Union. We are solely concerned with what we conceive to be the civil liberties issues that exist and are present in the bill and my remarks are directed to those problems.

First of all, the bill continues a provision extending the Hatch Act to employees and enrollees and members of the Job Corps so that they come under the Hatch Act. Basically, our position is in opposition to the provision of the Hatch Act which bars officers, employees, or enrollees from taking any active part in political management or in political campaigns.

The Hatch Act bars voluntary political action and there have been a number of civil service rulings on the Hatch Act section which indicates the wide scope of the Hatch Act and in barring political activities. We believe one of the purposes of the Job Corps is to train good citizens and we fail to see how this is accomplished by quarantining members of the Job Corps from engaging in permissible political activity which individuals in private life can participate in.

First of all, they are not really Government employees. They are there because it has been determined that they need training and it seems that this is a false kind of lesson to give them to indicate that you are going to bar them from political activity.

Chairman PERKINS. Let me ask you a few questions along this line.

I take it that you are against the principle of the Hatch Act, that you feel it is interfering unduly with the freedom of the Government worker?

Mr. SPEISER. Yes.

Chairman PERKINS. That is your feeling.

Mr. SPEISER. That is right, Mr. Chairman.

Chairman PERKINS. It is for that basic reason that you are against the Hatch Act principle?