

Would this be within their rights?

Mr. SHRIVER. Let me say, like most hypothetical cases, it is not a very easy thing to speculate about. That is why the Supreme Court never takes hypothetical cases or gives declaratory judgments.

Mr. GARDNER. Let's use the exact case of Newark.

Mr. SHRIVER. Or the one in Durham where the people object to the location of an urban renewal project or to a housing project.

Mr. GARDNER. I am speaking now of your paid poverty workers, not the average citizen on the street who has a right to do it. I want to know what your ruling is concerning the paid workers.

Mr. SHRIVER. I think the paid workers do not lose their rights simply because they are paid workers any more than a soldier who is a paid soldier. He still has a right to express his personal viewpoints.

Mr. GARDNER. Would this be along the lines of protesting "police brutality"?

Mr. SHRIVER. What I am trying to say in those sentences there is anyone who can encourage or excuse violence, who is against anything we stand for—I read to you the guidelines we have before. It is not a question, Congressman, where I can sit up here in Washington and say it is wrong to protest police brutality or any other kind of brutality because if there is genuinely brutality then it would be right not wrong as an American citizen to protest it. It would be right to protest brutality of a bureaucrat.

If I were brutal and work for the Federal Government, that does not mean I become above criticism for brutality.

Mr. GARDNER. So you would condone poverty workers marching against city hall and rioting and picketing.

Who determines if it is a genuine situation?

Mr. SHRIVER. That is what citizens in this country do, I think.

Mr. O'HARA. As I understand the law, the restrictions of the Hatch Act are applied to employees of local community action agencies since the salaries are paid in whole or in part by Federal funds.

In other words, the same restrictions upon political activity are applied to community action people as are applied to any other Federal employee. I believe that uniformity is the correct policy. Certainly we should not require one standard for postal employees, Internal Revenue employees, Park Service employees and then exact a different and higher standard from employees of local community agencies.

In each case we have the problem of whether or not the person is exercising his right of free speech.

The scope of free speech has troubled the courts for a long time. Of course a person cannot shout "fire" in a theater because that goes beyond the realm of free speech. But we cannot constitutionally restrict the right of freedom of speech or protest or expression. Therefore I don't see any point to our talking about doing it.

It is not within our power to change that rule and happily that is so. That right of protest is just as strong when you are wrong as it is when you are right. It has never been required that a person be right in order to exercise his freedom of speech and I do not think Mr. Shriver intended to imply that.

All they need believe is that they are right.

Mr. GARDNER. Would the gentleman yield?