

MEMO TO BOYCOTT STAFF

FROM LEGAL DEPARTMENT

SUBJECT: Picketing and leafletting in shopping centers and effect of recent United States Supreme Court Decision

The case of Lloyd Corporation v Tanner, U.S. Supreme Court opinion delivered June 22, 1972, does not limit leafletting and picketing rights of unions established in the earlier Logan Valley Plaza case. In fact, the court in the Lloyd case is careful to point out how the Logan Valley case answered a particular union activity question which was not presented in the Lloyd case, so the Logan Valley case is reaffirmed. Lloyd deals with anti-war leafletting, an activity which has "no relation to any purpose for which the center was built and being used."

Guidelines which still apply to our activities are set out in the Logan Valley Plaza decision. In Logan Valley there are guidelines, reviewed and approved in Lloyd, permitting picketing and leafletting

- 1) which is "directly related in its purpose to the use to which the shopping center property is being put" (for example, a grocery store selling non-union produce);
- 2) which is "directed solely at one establishment within the shopping center" (thus, the "food establishment")
- 3) or where public streets are at a distance making it difficult to communicate there with patrons of one store in the shopping center and to limit the effect of the picketing to one store.

In the Lloyd case an enclosed mall was leafletted. For the mall situations we would like to know the physical setup and the dimensions of the complex; the courts may eventually distinguish the standard shopping center and the mall.