

GRAPE BOYCOTTERS***KNOW YOUR RIGHTS!

Passing out leaflets -- The right to distribute leaflets is guaranteed by the United States Constitution and no city ordinance or state statute prohibiting the distribution of leaflets because they may litter streets or impede traffic is valid. This was decided by the United States Supreme Court in the case of *Schneider v. State of New Jersey*, 308, U.S. 147. This case overruled the case of *Commonwealth v. Nicolas*, 301, Mass. 584.

In *Commonwealth v. Pascone* 308, Mass. 591, Supreme Court of Massachusetts ruled that it had to follow the United States Supreme Court and hold any ordinance or statute which forbade the distribution of leaflets as being invalid and unenforceable.

Private v. Public property -- The right to pass out leaflets and to picket is guaranteed by the First Amendment of the United States Constitution. Sidewalks in front of stores are public property with the possible exception of those surrounded by a private parking lot servicing a single store. Any parking lot which services more than one store, as in the case of a shopping center, is public property as soon as the doors of such stores are open to the public. Likewise the sidewalks, including a closed mall, of every store in a shopping center complex are public property. This was decided in *Logan Hill Shopping Center case* (Pennsylvania), 1968.

Being questioned by police -- If there is any argument about your rights to picket or pass out leaflets, let your picket captain handle it. Explain calmly to the police what you believe your rights to be and ask him to contact his superior officers about it. If the police say you must cease picketing, avoid being arrested and contact the Chicago Boycott Office (939-5120 939-5121) immediately. We will see that our lawyers correct the situation immediately. If you are stopped by the police: 1. You may remain silent; you do not have to answer any questions other than your name and address. 2. The police may search you for weapons by patting the outside of your clothing. 3. Whatever happens, you must not resist arrest even if you are innocent.

Acts of violence against you or other pickets -- If anyone commits any acts of violence against you, do not strike back. You should call the police and take statements from any witnesses. They should state who were involved and their names and addresses, what happened, when, where, why and how.

Please don't...But if you are arrested:

1. As soon as you have been booked, you have the right to complete at least two phone calls -- one to a relative, friend or attorney, the other to a bail bondsman.
2. The police must give you a receipt for everything taken from you, including your wallet, clothing, and packages you were carrying when arrested.
3. You must be allowed to hire and see an attorney immediately.
4. You must be allowed to post bail in most cases, but you must be able to pay the bail bondsman's fee. If you cannot pay the fee, you may ask the judge to release you from custody without bail, but he does not have to do so.
5. You do not have to give any statement to the police, nor do you have to sign any statement you might give them.
6. The police must bring you into court or release you within 48 hours after your arrest (unless the time ends on a weekend or holiday, and then they must bring you before a judge the first day court is in session).

IN ANY CASE CALL: CHICAGO BOYCOTT OFFICE, 1300 South Wabash Avenue
PHONE (312) 939-5120
939-5121

labor donated

LEGAL

LAW OFFICES — P.O. Box 1049, Salinas, CA 93901 Phone: (408)424-0761

TO: All attorneys handling UFW boycott injunction & criminal cases
FROM: Jerry Cohen, General Counsel UFW, Box 1049, Salinas, CA. 93901

Because of the implications of the recent United States Supreme Court decision of Hudgens v. NLRB, 44 LW 4281, 91 LRRM 2489 (1976), and the resurrection of California's Agricultural Labor Relations Board, UFW attorneys in California will be increasingly involved in non-California boycott legal problems. To help us get a feel of what is going on throughout the country, please answer the questions below and return your answers to Sandy Nathan at the above address.

Thanks for the help you have been giving us and for cooperating with this effort.

Viva la Causa ! ! ! Yes on 14 ! ! !

A. Case status: for each case that you are handling for the union that involves the boycott (e.g., injunction, trespass arrest, etc.) and is pending, active, or which may become active, please state:

1. Case title;
2. Docket number;
3. Court in which filed;
4. Date filed;
5. Brief summary of allegations and status, including terms of any injunction;
6. Citation of any reported opinions on case;
7. Future plans for case (appeal, settle, etc.).

B. Reported opinions: Please send us a list, and if possible a copy, of any reported court opinions from your state dealing with UFW boycott activities.

C. General questions on state law: In answering these questions, please give us relevant citations and, if possible, copies of relevant opinions and statutes.

1. Does your State have a State Labor Relations Act?
If so, are farm workers excluded?
2. What is your state's case and statutory law on boycotting (primary and secondary)?
3. What is your state's law (constitutional or statutory) on picketing in shopping centers and other private property?
4. Does your state have an anti-injunction act?

Any briefs you might have touching on these subjects would also be appreciated.

Again, thanks for your help.

Boycott Department
United Farm Workers of America, AFL-CIO
P. O. Box 62
Keene, Ca.
September 20, 1976 (Duplication date)

MEMO FROM UFW LEGAL DEPARTMENT (1)

To: All UFW Boycott Directors

From: Jerry Cohen, UFW General Counsel

Box 1049
Salinas, Ca. 93901
(408) 424-0761

Because of the recent Supreme Court shopping center decision (Hudgens case) and the resurrection of the ALRB in California, it is vital that we vigorously pursue a coordinated legal policy concerning boycott law. Therefore, we are going to work closer with you on boycott legal problems from here in California. To do this, we are asking that you:

(1) Have each lawyer handling Union boycott problems (both injunctions and arrests) fill out the attached questionnaire and mail it to us in Salinas; and

(2) As soon as new legal problems arise, either arrests or new injunctions, please let us know in Salinas immediately. Call Sandy Nathan, Tom Dalzell, Daniel Boone, or anyone else in the ALRB Legal Division when you first become aware of the problems and send us copies of the papers served on you.

Thanks for the help and boycott the hell out of them!

Yes on 141

Patrol Division.

12 September 62.

OPINION OF CORPORATION COUNSEL - RE: POLICE AND PRIVATE PROPERTY.
12 SEPTEMBER 1962.

QUESTION: WHAT IS THE LEGAL POSITION OF CHICAGO POLICE WHO ARE REQUESTED, ON COMPLAINT OF OWNER OR TENANT WHO WILL SIGN COMPLAINT, TO EFFECT AN ON-VIEW ARREST FOR CRIMINAL TRESPASS OF PICKETS WHO ARE PICKETING ON STREETS OR SIDEWALKS WHICH ARE PRIVATELY OWNED OR LEASED BY COMPLAINANT, BUT ARE USED BY THE GENERAL PUBLIC WITHOUT RESTRICTION? DOES A CHICAGO POLICE OFFICER HAVE LAWFUL AUTHORITY TO EFFECT SUCH AN ON-VIEW ARREST ON COMPLAINT SIGNED BY OWNER OR TENANT?

ANSWER: IT IS OUR OPINION:
THAT A CHICAGO POLICE OFFICER SHOULD NOT ON COMPLAINT OF AN OWNER OR TENANT WHO IS WILLING TO SIGN A COMPLAINT AUTHORIZE TO EFFECT AN ON-VIEW ARREST OF PICKETS WHO ARE PICKETING ON PRIVATE PROPERTY. THE OWNER OR TENANTS CAN GO TO THE MUNICIPAL COURT AND APPLY FOR A WARRANT OR THEY CAN FILE SUIT IN THE CIRCUIT COURT FOR INJUNCTIVE RELIEF. WE DO NOT BELIEVE THE POLICE DEPARTMENT SHOULD TAKE PART IN SUCH PROBLEMS.

QUESTION: IN MATTERS OF SIMILAR CIRCUMSTANCES, BUT WHERE THE PROPERTY IN QUESTION IS THAT OF A SHOPPING CENTER AND WHERE ONE OF A NUMBER OF STORES OR BUSINESS HOUSES IS BEING PICKETED BY A UNION ON PRIVATE STREETS, SIDEWALKS OR PARKING LOTS, CAN A CHICAGO POLICE OFFICER LAWFULLY EFFECT THE ON-VIEW ARREST OF SUCH PICKETS FOR CRIMINAL TRESPASS IF OWNER OR TENANT OF THE STORE OR BUSINESS HOUSE OR THE REPRESENTATIVE HEAD OF AGENCY OR CORPORATION THAT OWNS THE PROPERTY COMPRISING THE SHOPPING CENTER WILL SIGN THE COMPLAINT?

ANSWER: WHAT WE STATED UNDER ABOVE PARAGRAPH ONE ALSO APPLIES TO SHOPPING CENTERS.

QUESTION: WOULD OUR LEGAL POSITIONS BE ALTERED ON SITUATIONS OUTLINED IN QUESTIONS ABOVE, IF PRIVATE PROPERTY INVOLVED WAS POSTED?

ANSWER: THE FACT THAT THE PRIVATE PROPERTY IS POSTED AS SUCH DOES NOT ALTER THE ACTION OF THE POLICE DEPARTMENT IN EITHER OF THE TWO ABOVE EXAMPLES.

SIGNED JOHN C MELANIPHY
CORPORATION COUNSEL

