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February 22, 1973

DIRECTOR - COUNSEL
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Providence City Council
City Hall
Providence, Rhode Island

Gentlemen:

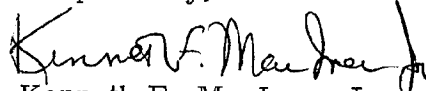
As counsel for one of the individuals involved in the PACE v. Doorley case, I felt obligated to write you when I learned that you were contemplating passage of an anti-residential picketing ordinance which includes labor disputes within its coverage.

It is my opinion that such an ordinance would still be unconstitutional. As stated by the lower court in the PACE v. Doorley opinion: "The short answer is that such exemption is necessary so as not to deny an employee the right of picketing at the subject matter of his dispute. Absent this exemption the plaintiffs could then rightfully urge its unconstitutionality."

Other opinions that seem to support the contention that the proposed ordinance is unconstitutional include Amalgamated Meat Cutters Local 427 v. Fairlawn Meats, 353 U.S. 20 (1957) and Carpenters and Joiners Union No. 213 v. Ritter's Cafe, 315 U.S. 722, 727 (1942) ("In picketing the retail establishments the union members would only be following the subject matter of their dispute.")

I bring these cases to your attention for consideration when you debate further on the passage of the proposed ordinance.

Respectfully,


Kenneth F. MacIver, Jr.


KFM:bma

CITY COUNCIL

MAR 1 - 1973

READ:

WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED.


CLERK