

1974 WL 27782 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 24, 1974

*1 Mr. Carlos W. Gibbons
Post Office Box 394
Columbia, South Carolina 29202

Dear Carlos:

Thank you for your letter of May 14 which I have just now had an opportunity to consider.

The question of distributing cards, etc., in shopping centers, parking lots and in other private areas is one which rests, in my opinion, with the owner of the parking lot or other private area. There are some decisions concerning the application of the freedom of speech provisions of the Constitution to areas of this nature but the line of demarcation is so thin that I can only advise that it must be considered private property and subject to regulation by the owners of the area.

In areas which are in the public domain, such as sidewalks of public streets, it is probable that freedom of speech provisions will prevail so long as there is no littering of the areas involved.

With regard to public agencies, such as the Wade Hampton Office Building, it is my opinion that the agencies in charge may restrict entry and utilization of the passageways, etc., within reasonable limits so as not to interfere with the business of the public which is being conducted there. It is for this reason that 'no soliciting' signs and other similar prohibitions are generally enforceable.

In short, it is most probable that any prohibitions against distribution of campaign literature in private areas of the nature you describe in your letter can be validly enforced.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

P.S. In a picketing decision the United States Supreme Court has said that the exercise of First Amendment Rights may be regulated where such exercise will unduly interfere with the normal use of public property by other members of the public with an equal right of access to it. This is applicable also to municipal or State-owned property. In each instance, apparently, the entire matter will turn upon the factual circumstances presented. [20 L. Ed. 2d 603](#).

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