



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Apr 1 26, 1939

Hon. Julian Montgomery  
State Highway Engineer  
Austin, Texas

Dear Sir:

Opinion No. O-683  
Re: Publication by the Highway Department to its employing engineers in field a list of names of employees whose services or attitudes are unsatisfactory?

Your request for an opinion, as to whether or not the Highway Department may furnish to employing engineers in the field a list of the names of employees whose services or attitudes are unsatisfactory, has been received by this department.

In your letter of April 10th you refer to the blacklisting statutes of Texas, which are contained in Chapter 9 of Title 18 of the Penal Code. The corresponding civil statutes are contained in Chapter 12 of Title 83 of the Revised Civil Statutes. The statute which defines "blacklisting" is Article 1616 of the Penal Code and reads as follows:

"Blacklisting prohibited. No corporation, company or individual shall blacklist or publish, or cause to be blacklisted or published, any employe, mechanic, or laborer discharged by such corporation, company, or individual, with the intent and for the purpose of preventing such employe, mechanic, or laborer discharged by such corporation,

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company, or individual, from engaging in or securing similar or other employment from any other corporation, company or individual."

You will note that this statute makes no attempt to regulate, control or interfere with the internal operation of any business, but applies only where a former employer attempts to defeat the endeavor of his former employee to secure work elsewhere.

In the opinion of this department neither Article 1616 nor any other article contained in Chapter 9 of Title 18 of the Penal Code of Texas will operate to prevent the Highway Department from furnishing to its employing engineers a list of the names of employees with comments upon their services or attitudes.

Yours very truly

ATTORNEY GENERAL OF TEXAS

BY *Jess Carlton*

Ross Carlton  
Assistant

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H.A.B.  
APPROVED:

*George C. Mann*  
ATTORNEY GENERAL OF TEXAS