

complainer and a man of poor judgment, qualities that rendered him unsuitable to be a Blue Mountain security guard. The discussion of this problem at the meeting took little more than five minutes. Council members instructed Hernandez to give Tuff a few days' leave to reflect on the situation. Hernandez duly reported this conclusion to Tuff, who then departed for his home. The number of days of leave he should take was not specified, but both men agreed in an amicable though tense setting that they would be in touch.

Three days later an article about the company's policies appeared in the local newspaper, along with a picture of Tuff in the mall, about to report for work. This story prompted an editorial that was critical of the company on a local television station. The story relied entirely on data provided by Tuff, some of which had been copied from his nightly shift reports.

The newspaper had also interviewed Sergeant Shriver of the county police department. He corroborated Tuff's interpretation that any failure by a security guard to report those driving while intoxicated or those under the influence of drugs constituted a violation of the security manual and the specific terms of the officer's license. He also confirmed Tuff's statement that police officers routinely inspect security officers' activities and that the police have instructions to look for failures to comply with license requirements.

After the television editorial, Blue Mountain began to receive phone calls at a rate of approximately 15 per hour, with over 90 percent of the callers expressing opposition to the company's policies. Several callers indicated that they would no longer patronize the malls mentioned in the newspaper story.

The Council of Managers immediately reconvened to consider this escalation of the problem. Its members agreed that Tuff had to be fired for his violation of the company rule

against disclosures to the news media. The managers considered Tuff's revelations an unforgivable act of disloyalty. They discussed whether the proper and precise reason for Tuff's dismissal was his disclosure of confidential information or his approaching the media. Their decision on this point required a sharpening of a vaguely worded corporate rule; a careful process of interpretation revealed that approaching the media is grounds for dismissal even if no disclosure of confidential information is made.

Five working days later, Tuff was called into the company manager's office and dismissed. The manager informed him that the reason for this dismissal was his discussions with the press, a violation of company policy.

Tuff then issued a public statement. He explained that his complaints against Blue Mountain Company's procedures had stemmed from his concern to protect the public and other security officers. Tuff had discussed the policy with the company's other security guards, who had all expressed some degree of concern over the policy because it forced them to violate their licensing requirements and subjected them to possible license suspension or revocation. Based on these encounters, Tuff believed that he was acting on their behalf as well as on his own.

Tuff also disclosed a legal argument he wanted to pursue: He contended that his admissions to the media and his complaints about company policy were protected activities. The company interfered with, restrained, and coerced its employees in the exercise of their rights, as protected by the National Labor Relations Act of 1935, by suspending and eventually dismissing Tuff for his disclosures to the press, which violated company policy.

Tuff brought his case to the National Labor Relations Board (NLRB), whose members determined that Blue Mountain was within its