Abstract

By

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After the Supreme Court almost offhandedly acknowledged that labor picketing was a form of speech protected by the First Amendment, it had to confront long-standing doctrine treating mass picketing as inherently coercive. Here I examine cases decided in the late 1930s and early 1940s in which the Court dealt with this question by identifying only violence associated with picketing as coercive, applying then-standard First Amendment doctrine to such violence, and – eventually – treating the social coercion associated with labor picketing as insufficient to justify state regulation of labor picketing.