state court action in enjoining [97] or awarding damages [98] for peaceful picketing, in awarding of relief by damages or otherwise for conduct that constituted an unfair labor practice under federal law,[99] or in enforcing state antitrust laws so as to affect collective bargaining agreements [100] or to bar a strike as a restraint of trade,[101] even with regard to disputes over which the NLRB declined to assert jurisdiction because of the degree of effect on interstate commer ce.

In *San Diego Building Trades Council v. Garmon*,[102] the Court enunciated the rule, based on its previous decade of adjudication. "When an activity is arguably subject to § 7 or § 8 of the Act, the States . . . must defer to the exclusive competence of the National Labor Relations Board if the danger of state interference with national policy is to be averted." [103]

For much of the period since *Garmon*, the dispute in the Court concerned the scope of the few exceptions permitted in the *Garmon* principle. First, when picketing is not wholly peaceful but is attended by intimidation, violence, and obstruction of the roads affording access to the struck establishment, state police powers have been held not disabled to deal with the conduct and narrowly drawn injunctions directed against violence and mass picketing have been permitted [104] as well as damages to compensate for harm growing out of such activities.[105]

A 1958 case permitted a successful state court suit for reinstatement and damages for lost pay because of a wrongful expulsion, leading to discharge from employment, based on a theory that the union constitution and by-laws constitute a contract between the union and the members the terms of which can be enforced by state

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state courts may adjudicate questions relating to the permissibility of particular types of union security arrangements under state law even though the issue involves as well an interpretation of federal law. Retail Clerks Int'l Ass'n v. Schermerhorn, 375 U.S. 96 (1963).

[97] Garner v. Teamsters Local 776, 346 U.S. 485 (1953); United Mine Workers v. Arkansas Flooring Co., 351 U.S. 62 (1956); Meat Cutters v. Fairlawn Meats, 353 U.S. 20 (1957); Construction Laborers v. Curry, 371 U.S. 542 (1963).

[98] San Diego Building Trades Council v. Garmon, 353 U.S. 26 (1957).

[99] Guss v. Utah Labor Board, 353 U.S. 1 (1957).

[100] Teamsters Union v. Oliver, 358 U.S. 283 (1959).

[101] Weber v. Anheuser-Busch, Inc., 348 U.S. 468 (1955).

[102] 359 U.S. 236 (1959).

[103] 359 U.S. at 245. The rule is followed in, *e.g.*, Radio & Television Technicians v. Broadcast Service of Mobile, 380 U.S. 255 (1965); Hattiesburg Building & Trades Council v. Broome, 377 U.S. 126 (1964); Longshoremen's Local 1416 v. Ariane Shipping Co., 397 U.S. 195 (1970); Amalgamated Ass'n of Street Employees v. Lockridge, 403 U.S. 274 (1971). *Cf.* Nash v. Florida Industrial Comm., 389 U.S. 235 (1967).

[104] United Automobile Workers v. WERB, 351 U.S. 266 (1956); Youngdahl v. Rainfair, 355 U.S. 131 (1957).

[105] United Automobile Workers v. Russell, 356 U.S. 634 (1958); United Construction Workers v. Laburnum Constr. Corp., 347 U.S. 656 (1954).