taken on *all* the attributes of a town'" is it to be treated as a public forum.[1466]

Picketing and Boycotts by Labor Unions.—Though "logically relevant" to what might be called "public issue" picketing, the cases dealing with application of economic pressures by labor unions are set apart by different "economic and social interests," [1467] and consequently are dealt with separately here.

It was in a labor case that the Court first held picketing to be entitled to First Amendment protection.[1468] Striking down a flat prohibition on picketing to influence or induce someone to do something, the Court said: "In the circumstances of our times the dissemination of information concerning the facts of a labor dispute must be regarded as within that area of free discussion that is guaranteed by the Constitution. . . ." [1469] The Court further reasoned that "the group in power at any moment may not impose penal sanctions on peaceful and truthful discussion of matters of public interest merely on a showing that others may thereby be persuaded to take action inconsistent with its interests. Abridgment of the liberty of such discussion can be justified only where the clear danger of substantive evils arises under circumstances affording no opportunity to test the merits of ideas by competition for acceptance in the market of public opinion." [1470]

The Court soon recognized several caveats. Peaceful picketing may be enjoined if it is associated with violence and intimidation.[1471] Although initially the Court continued to find picketing protected in the absence of violence,[1472] it soon decided a series of cases recognizing a potentially far-reaching exception: injunctions against peaceful picketing in the course of a labor controversy may be enjoined when such picketing is counter to valid state policies in a

(1986), holding that a state may not require a privately owned utility company to include in its billing envelopes views of a consumer group with which it disagrees, a majority of Justices distinguishing *PruneYard* as not involving such forced association with others' beliefs.

[1466] Hudgens v. NLRB, 424 U.S. 507, 516–17 (1976) (quoting Justice Black's dissent in *Logan Valley Plaza*, 391 U.S. 308, 332–33 (1968)).

[1467] Niemotko v. Maryland, 340 U.S. 268, 276 (1951).

[1468] Thornhill v. Alabama, 310 U.S. 88 (1940). Picketing as an aspect of communication was recognized in Senn v. Tile Layers Union, 301 U.S. 468 (1937).

[1469] 310 U.S. at 102.

[1470] 310 U.S. at 104–05. *See also* Carlson v. California, 310 U.S. 106 (1940). In AFL v. Swing, 312 U.S. 321 (1941), the Court held unconstitutional an injunction against peaceful picketing based on a state's common-law policy against picketing in the absence of an immediate dispute between employer and employee.

[1471] Milk Wagon Drivers Union v. Meadowmoor Dairies, 312 U.S. 287 (1941).

[1472] Bakery & Pastry Drivers Local v. Wohl, 315 U.S. 769 (1942); Carpenters & Joiners Union v. Ritter's Cafe, 315 U.S. 722 (1942); Cafeteria Employees Union v. Angelos, 320 U.S. 293 (1943).