

# Contents

PREFACE	vii
INTRODUCTION	1
PART I DISSENT, RHETORIC, AND FREEDOM OF SPEECH	
Concerning Dissent and Civil Disobedience <i>Abe Fortas</i>	14
Disobedience and Democracy <i>Howard Zinn</i>	24
“Flamboyant Protest,” the First Amendment and the Boston Tea Party <i>James E. Leahy</i>	47
The Rhetoric of the Open Hand and the Rhetoric of the Closed Fist <i>Edward P. J. Corbett</i>	71
PART II SIT-INS, MARCHES, AND DEMONSTRATIONS	
Civil Disobedience: Observations on the Strategies of Protest <i>William L. Taylor</i>	86
Trespass and the First Amendment <i>Harry Kalven, Jr.</i>	95
Accounting for a Nonviolent Mass Demonstration <i>Herbert H. Blumberg</i>	118
The Rhetoric of the Streets: Some Legal and Ethical Considerations <i>Franklyn S. Haiman</i>	131
PART III CONFRONTATIONS	
The Politics of Protest <i>Jerome H. Skolnick</i>	154
The Rhetoric of Confrontation <i>Robert L. Scott and Donald K. Smith</i>	170
Confrontation as an Extension of Communication <i>Harry A. Bailey, Jr.</i>	181
PART IV FLYING, BURNING, AND DESECRATING FLAGS	
Flying the Workers’ Red Flag in the Hills of San Bernardino: <i>Stromberg v. California</i> , 353 U.S. 359 (1931)	196

Burning the Flag in Brooklyn: <i>Street v. New York</i> , 394 U.S. 576 (1969)	204
The American Flag in Protest Art: <i>People v. Radich</i> , 308 N.Y.S. 2d 846 (1970)	217
<b>PART V BLACK ARMBANDS AND SNCC BUTTONS AT THE SCHOOLHOUSE</b>	
Mary Beth Tinker Takes the Constitution to School <i>Theodore F. Denno</i>	230
Wearing “Freedom Buttons” in the Schoolhouse: <i>Burnside v. Byars</i> , 363 F.2d 744 (1966)	255
<b>PART VI RENT STRIKES AND DIRTY CLOTHESLINES</b>	
Rent Strikes: Poor Man’s Weapon <i>Michael Lipsky</i>	262
Underwear, Rags, and Tattered Clothing to Protest High Taxes: <i>People v. Stover</i> , 12 N.Y. 2d 462 (1963)	274
<b>PART VII OBSCENITY AND PROTEST</b>	
<i>Cohen v. California</i> , 91 S. Ct. 1780 (1971)	284
Obscenity and Protest <i>Haig A. Bosmajian</i>	294
<b>PART VIII THE WOMEN DISSENT</b>	
Technique and Ethos in Nonviolent Action: The Woman Suffrage Case <i>George Lakey</i>	308
<b>PART IX GUERRILLA THEATRE AS SYMBOLIC ACTION</b>	
Guerrilla Theatre: May 1970 <i>Richard Schechner</i>	320