Speech Plus Essay, Research Paper

Speech -plus, the incorporation of pure speech and some kind of action, is a freedom that is generally not protected strictly as pure speech because actions may endanger safety or conflict with the rights of others. Just as pure speech, it incorporates the spoken word. But in addition to it, the “plus” may take the form of marching, singing, chanting slogans, or the dreaded picketing. The intention of these actions are for the purpose of bringing attention to the speech in which they are trying to get across- to involve bystanders, uninterested people, or even the hostile groups. Through the first amendment, the “speech” in speech-plus is generally constitutionally protected. On the other hand, the “plus” may be subject to some regulations. The courts have ruled that speech-plus must not obstruct street or sidewalk traffic, nor may it illegally trespass or endanger public safety.

Picketing has been one of the most controversial forms of speech-plus activities. In addition, it has become one of the most frequent of all activities. For instance, strikes by labor unions often include picketing outside stores, factories, or schools. People also form picket lines, carry signs, and march in an orderly fashion when protesting the policies of another organization. In two supreme court cases of Thornhill v. Alabama(1940), and Milk Wagon Drivers Union v. Meadowmoor Dairies(1941), a definite line is shown between what action in speech-plus is protected, and what is reprehensible.

In the case of Thornhill v. Alabama, the question of what picketing tolerable was upheld, and the limit of what the constitution protected was drawn. In the case, a statute in Alabama, which declares that it is unlawful for any person without a just cause or legal excuse to picket a place of lawful business for the purpose of impeding, interfering with, or injuring such business by way of facts concerning labor dispute, pamphlet, word of mouth, or otherwise was broken. The petitioner, Bryon Thornhill, was arrested while picketing because of a labor dispute, and convicted in the circuit court of Alabama for violation of the state code for his words, and upon the fact that he had gathered with others in a picket line for the purpose of injuring a company. What never occurred was any violence. There was never a threat, or any anger. Thus, the Supreme Court overruled the conviction and gave peaceful picketing the full protection by the First Amendment.

In the case of and Milk Wagon Drivers Union v. Meadowmoor Dairies, the opposite result occurred, as the Supreme Court decided upon a decision directly in contrast as with the one in the Thornhill case. In this case, the “vendor system” for the distribution of milk in Chicago gave rise to dispute. In the system, dairies sold their milk to vendors, which in turn sold it to the retailers. The vendors departed from the working standards set out by the union for its members as dairy employees, and in order to compel observance of the standards, the union took action against the dairies using the “vendor system”. The present respondent, Meadowmoor Dairies, brought suit against the union to stop interference with the distribution of its products. Unlike the peaceful picketing of the Thornhill case, in the picketing of the stores handling Meadowmoor products, there were more then fifty instances of window-smashing, and explosive bombs causing injury to the plants of Meadowmoor. Three trucks of vendors were wrecked and much more acts of violence occurred. Unlike the first case, the Supreme Court held that the right to picket can be restricted when there is a threat of violence. Since then, the court has also held that picketing may be limited if it conflicts with valid state laws.