

Mayor's Report - December 1977

Re: Village of Skokie vs. Collin - Nazi March

All speech is not protected by the First Amendment. Libelous defamatory utterances, obscenities and pornography in violation of community standards and the factual equivalent of shouting "Fire!" in a crowded theatre do not merit First Amendment protection.

During the last five decades, the growing complexities of society have required unprecedented interpretations of the Bill of Rights to meet unprecedented conditions. It is the genius of the American people and of the United States Constitution that converts this instrument to a guide for the maximum benefit of society with minimum limitations upon individuals, rather than a shackle against change. The circumstances presented in the Nazi assault upon Skokie challenge the traditional interpretation of the First Amendment.

The situation in the Village of Skokie is unique in the history of the United States and indeed in the history of the world. Nowhere else do victims of the Nazi holocaust constitute 10% of the total population of a community. Nowhere else would a march of Nazis in storm trooper uniform carrying the hated swastika constitute a deliberate provocation and a cynical taunt. Nowhere else would this proscribed Nazi march evoke in so many people such vivid memories of the manner in which their loved ones met their death.

To the survivors of the holocaust, the murders of their mothers, fathers, children, brothers and sisters are an everlasting and poignant memory. The projected march of Nazis is a cruel assault upon these people, deliberately designed to exacerbate their suffering and revive their memories.

It is offensive to logic, reason, justice and fundamental principles of fair play to equate the proscribed activities of Nazis in Skokie with the

right of freedom of expression and freedom of assembly guaranteed by the First Amendment. Just as the Constitution does not preserve the right of the Nazis to physically assault the holocaust survivors in Skokie, so should it not license them to perpetrate an infinitely more serious assault upon their sensibilities.

The Nazi swastika and uniform is the symbolic equivalent of a public call to "Kill all Jews". This and similar direct incitations to mass murder are not entitled to First Amendment protection. Our democracy was not created to maintain the instruments of its own destruction. The proscribed activities constitute acts of aggression, not a demonstration for rights or a protest to a denial of rights. The Nazis seek confrontation, violence and dissemination of their doctrine of racial and religious hatred and murder. Their "protest march" is directed against the right of Americans of the Jewish Faith to live.

The cultural, ethnic and religious diversity of Skokie's population makes it especially vulnerable to ethnic, racial and religious conflicts. Until recent years, persons who could be characterized as "visible minorities" were negligible in number. Today every school district within the Village contains children who constitute a visible minority. This includes Chinese, Japanese, East Indian, Pakistanian and Latino persons. These new minorities are welcomed to the Village and are, in fact, encouraged to come here by the Village policy of "Freedom of Opportunity to All". In many cases, these new minorities share a history of discrimination which make them particularly vulnerable to the activities of the Nazis and other racist groups. The goal of Skokie's elected officials is to eliminate social injustices and to expand opportunities for all of its residents, old and

new. Our actions taken against the Nazis and other hate groups is intended to provide leadership for high moral and constitutional principles and encouragement to the residents who share them. On the other hand, our action operates as a sanction against behavior which is counter-productive to these principles and which threatens the implementation of rights guaranteed to all under the Constitution of the United States. All of the Village authorities are acutely aware of their legal and moral responsibilities in this connection.

By ordinances, examples, education, and a strong human relations policy, the Village of Skokie has been able to maintain an atmosphere of cooperation and friendliness between all of the diverse elements which make up its population. Our residents know they are free to live in the Village in the fullest sense of the term, without abuse, defamation, or other cruelties inflicted upon them or their children by reason of their color, religion, or national origin.

We have no illusions about the situation. We know from experience how quickly and easily religious, ethnic and racial passions are aroused, how quickly they take hold, how widespread they become and how painful are their results. The proposed demonstration by the Nazis made us realize the dangers of such public demonstrations, characterized by defamations, threats and epithets. Such conduct is morally wrong. Its harm is irrefutable. Its victims are defenseless. Such anti-social conduct is not worthy of First Amendment protection.