

Censure ACLU position

By DIANE DUBEY

Correspondent

SKOKIE - The intense fear and hatred aroused in many Skokie residents by the threat of a Nazi march in the village surfaced again Tuesday, Sept. 20, when American Civil Liberties Union (ACLU) executive director David Hamlin participated in a panel discussion sponsored by B'nai B'rith women.

Other members of the panel were Skokie Mayor Albert Smith, Rabbi Marc Gellman, director of the B'nai B'rith Hillel foundation at Northwestern university, and Gerard Leval, one of the attorneys working on a class action suit filed by the B'nai B'rith Anti-Defamation League against the National Socialist (Nazi) Party of America on behalf of Skokie residents who are survivors of the holocaust. The ACLU is providing legal counsel for the neo-Nazi group in its efforts to demonstrate in Skokie.

Faced with a small, hostile audience of about 50 persons, Hamlin was called a "squeaky-clear WASP" and accused of smiling when the word "swastika" was spoken. After the meeting, he was followed to his car by a young man shouting other uncomplimentary remarks.

Hamlin told the crowd that he fully understood their animosity to a concept as "repugnant" as anti-Semitism, but that he also resents "being called a squeaky-clean liberal and having my conscience questioned."

"**THE ACLU** reconsiders this (Nazi) question about every 10 minutes," he said. "If we really just wanted a textbook case, we wouldn't send representatives to forums like this."

Hamlin and the ACLU maintain that "the Village of Skokie engages in an act of censorship" in trying to prevent a public demonstration by the Nazis.

After a threatened May 1 Nazi march, Skokie trustees passed three ordinances prohibiting marchers from wearing military-style uniforms, distributing ma-

terials which incite group hatred and requiring those wishing to assemble in the village to post \$350,000 insurance bond.

"All ideas must be available for all to listen to...we citizens can then pick, choose, and reject," Hamlin said. "Removing an idea is unconstitutional and whatever the good intentions of the village of Skokie, they are withdrawing an idea."

Hamlin claimed that first amendment protections result in a "magnificently simple system...if Skokie and the Nazis have taught nothing else...they have taught that there is no political base for the Nazi party in Greater Chicago."

According to Leval, the real first amendment question is whether the Nazi march represents an idea or an assault.

"You must realize we're not talking about free speech...this group is seeking to inflict emotional harm to a certain group of people, the World War II holocaust survivors...who have undergone an experience unequalled in history."

Leval termed a Nazi march "a psychic assault which would bring to the survivors feelings of anxiety, terror, shame, guilt, withdrawal, alienation, and a paralyzing sense of helplessness."

LEVAL also disagreed with Hamlin's contention that "nothing in the first amendment requires anyone to go see the Nazis in a public place." He said that anyone with the "peculiar makeup" of the survivor would have uncontrollably violent urges just in knowing that Nazis were parading up and down the streets of Skokie, "the Skokie which had become a haven to them."

To Gellman, the overall Nazi issue is not as much as the issue of "Who should argue the Nazi case?"

"It is not the responsibility of a Jew to argue the case of our murderers," he said, referring to ACLU attorney David Goldberger who is chief counsel for the Nazis.

According to Hamlin, Goldberger took the case

cause time was pressing, no private practitioner volunteered for the job, and both ACLU attorneys in the Chicago office happen to be Jewish.

While the entire situation is, "like every other ethical question not black or white," Gellman criticized the ACLU leadership for throwing off their personal feelings, backgrounds, and cultures to defend the Nazis.

Democracy does not work by having an individual masquerading as a disinterested party-rather, it works through representation by "intensely interested, prejudiced individuals," he said.

While claiming to have respect for the ACLU for its courage and consistency, Gellman questioned the idea that there is such a thing as "disinterested advocate" and attacked the "moral schizophrenia caused by denial of real personal issues."

"I believe there are commitments we hold-to the first amendment, to life, to certain senses of decency, to the family, and to being Jews."

STATING THAT the first amendment is often used as a shield from criticism, Gellman asserted that those who believe in a cause or a philosophy should be the ones to stand up and take the political consequences for what they say.

Smith proposed that "the first amendment is not absolute...it doesn't give the right to do whatever you well please. No one has the right to incite a riot by playing on the emotions of people who have suffered enough."

He totally discounted the idea that the Jews of Skokie, in opposing a Nazi demonstration, would be willing "to diminish the Constitution and its amendments."

"For the first time in 3,000 years or longer, for the first time in the history of the Jewish people, they are living under a set of laws which allows them to own property, take the profession of their choice, run a business and enjoy the fruit of their labors without worrying about pogroms, confiscations, or other horrors. Would these people diminish this beautiful set of laws which gives them the right to live like everyone else?" he asked.

"We are dealing in human emotions that no one who was not there could understand," Smith said. "Twenty-six million people were killed in the war people entered to repudiate Nazism--Nazism stands for death, destructions, and murder."