

Nazis win appeal on Skokie rally ban

By Patrick Oster

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WASHINGTON - The Supreme Court ruled Wednesday that Illinois courts must review their ban on a Nazi march in Skokie, apparently paving the way for a demonstration within several weeks.

Immediately following the unsigned 5-to-4 decision, Nazi Party leader Frank Collin announced in Chicago that he group would march in the suburb on July 4.

The high court ruling means Collin's group, the National Socialist Party of America, must first go into state courts to get the ban lifted.

And Harvey Schwartz, the Skokie village attorney, said the ruling does not affect ordinances passed by the village board since the march was halted by court order in April. He said those ordinances require sponsors of parades or rallies to take out a \$350,000 liability insurance policy and forbid appearing at a march or rally in a Nazi-style uniform.

The injunction first was imposed by Circuit Court Judge Joseph M. Wosik in response to a Nazi demonstration planned for May 1. Wosik said the ban was needed because of the possibility of violence between demonstrators and counterdemonstrators.

The Nazis attempted to circumvent the injunction by showing up in Skokie a day early, but Circuit Court Judge Harold W. Sullivan issued an order halting that demonstration as

well. Skokie police turned the Nazi group away near the-village border.

Skokie is a community of 70,000, including 40,000 Jewish residents, some 7,000 of whom survived the Nazi horrors of Adolf Hitler's Germany. At the time of the injunction, Collin, comparing his followers to civil rights protesters of the 1960s said they wanted to "march where our concept of white power is most opposed."

The Nazis asked the Illinois Appellate Court to lift Wosik's injunction temporarily while they fought out the legality of the ban in the courts. The court turned down the request on April 29. And later the Illinois Supreme Court did the same.

The Nazis petitioned the U.S. Supreme Court to suspend or stay the injunction. And in the Wednesday ruling, a bare majority of the court agreed Illinois had erred in not temporarily lifting the injunction.

In the two-page unsigned opinion, the majority said that Illinois courts might have been able to justify leaving Wosik's broadly worded injunction in force if the Nazis had been provided "strict procedural safeguards, including immediate appellate review. Absent such review, the state must instead allow a stay."

By implication, the majority said that whatever safeguards Illinois courts provided had

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been insufficient. Without specifically stating why, the justices reversed the Illinois Supreme Court's denial of a stay and sent the Nazis' appeal to the Illinois courts "for further proceedings not inconsistent with this opinion."

Justice William H. Rehnquist, writing for two other dissenters implied that Wosik's injunction, although he wouldn't vote to lift it temporarily was "extremely broad, and I would expect that if the Illinois appellate courts follow (recent Supreme Court) cases, the injunction will be at least substantially modified by them."

Rehnquist, joined by Chief Justice Warren E. Burger and Justice Potter Stewart, said he wouldn't lift the injunction because Illinois courts had not entered a "final order," on the

matter, a requirement in such cases.

Justice Byron R. White dissented without comment.

The majority found that there had been a final order that allowed suspension of the ban. Voting in the majority were Justices John Paul Stevens, William J. Brennan Jr., Thurgood Marshall, Harry A. Blackman and Lewis F. Powell Jr.

Wosik's injunction banned the Nazis from any of the following actions within Skokie:

"Marching, walking or parading in the uniform of the National Socialist Party of America; marching, walking or parading or otherwise displaying the swastika on or off their persons; distributing pamphlets or displaying any materials which incite or promote hatred against persons of Jewish faith or ancestry or hatred against persons of any faith or ancestry, race or religion."