

# United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

June 2, 1978

Before

Hon. WILBUR F. PELL, Circuit Judge  
Hon. ROBERT A. SPRECHER, Circuit Judge\*  
Hon. HARLINGTON WOOD, JR., Circuit Judge

FRANK COLLIN, et al.,  
Plaintiffs-Appellees,

No. 78-1385 vs.

ALBERT SMITH, et al.,  
Defendants-Appellants.

} Appeal from the United  
States District Court  
for the Northern Dis-  
trict of Illinois,  
Eastern Division.  
No. 77-C-2982  
Bernard M. Decker, Judge.

## ORDER

This matter is before the court on the motion of defendants-appellants for a stay of mandate pending application to the Supreme Court of the United States for a writ of certiorari.

In their accompanying suggestions in support of the motion, the appellants place primary emphasis upon various statements attributed to the prevailing appellees subsequent to this court's decision which in essence challenge the good faith of the appellees in seeking the right to march in Skokie. It is noted, however, on the other hand that reports in the local media indicate that the Village of Skokie authorities have

---

\* Judge Sprecher would grant the motion to stay and therefore dissents from the issuance of the above order.

granted a counter-demonstration permit for June 25, the day on which the appellees seek to march, to the Jewish Federation of Metropolitan Chicago.

However, whatever all of this may be in fact, and irrespective of what maneuvering the parties may be engaging in with regard to a particular date for marching and demonstrating, the basic issue in litigation which is before this court remains that of the constitutionality of the three Skokie ordinances. That issue has been decided against the appellants. We are not persuaded that the appellants have demonstrated a specific substantiated showing for a stay of mandate pursuant to Circuit Rule 17, particularly in view of the impact that delay has on the exercise of First Amendment rights. We note that unless the mandate is stayed it will be issued by this court on June 12, 1978. That issuance date will allow sufficient time for the appellants to seek a stay in the Supreme Court of the United States.

Accordingly, the motion for stay of mandate is denied and the clerk of this court is directed to issue the mandate in this cause on June 12, 1978.