



Roger Simon

# Another side of the Nazi rights issue

In the last few days, Chicago newspapers have carried headlines about a suspected Nazi war criminal being discovered in Miami, a convicted Nazi war criminal escaping from Italy in a suitcase and local Nazis planning to march in the suburb of Skokie.

Newspapers are often attacked when they print such stories. Newspapers are often encouraged to ignore Nazis and not give them any publicity.

Unfortunately, the only emotion which Nazis do not attract is indifference. Nazism has become the symbol for ultimate evil in the modern era. Interest in Nazis – past, present and future – will not disappear in our lifetime.

The level of sensitivity on the subject has never been captured better than by what is now happening in Chicago. Two very respectable civil rights groups are grappling with each other and public opinion over Nazis. They are on opposite sides of a gulf that has every indication of widening.

The controversy has reached a level where a scorecard is necessary:

1. The American Civil Liberties Union – The ACLU is defending a group of Chicago Nazis who want to march in Skokie. They are suing to allow the Nazis to march in full uniform, with swastika, through the suburb.



ABBOT ROSEN

*“They shout the loudest when you’ve struck a nerve.”*

2. The Anti-Defamation League – The ADL is suing in court to keep the Nazis from marching in Skokie, saying that Nazi speech is not protected by free speech considerations.

3. The Nazis – The Nazis would like to see the members of both groups end up as Post Toasties, but will use either group for their

own ends. The Nazis are the people easiest to recognize. They are the ones who are smiling.

In the last few days, the ACLU and the ADL have exchanged a number of accusations and insults:

1 The president of the B’nai B’rith, which sponsors the ADL, came into town to say that the ACLU suit “just fosters the Nazi program.” The ACLU has already lost more than 1,000 of its Illinois members and a quarter of its budget because it is defending Nazis. The ACLU was not warmed by the statement of the B’nai B’rith president.

1 An ACLU official characterized the ADL stance as cowardly, saying that the ADL was merely playing to public opinion in Skokie, a place where 7,000 Nazi death camp survivors live. An Monday, the ACLU apologized and said this was not the official ACLU position.

1 Part of the ADL suit refers to an ACLU lawyer as “neo-Nazi counsel.” The ADL says it is not calling the lawyer a neo-Nazi. The lawyer says it is. In response the executive director of the ADL, Abbot Rosen, said: “They shout the loudest when you’ve struck a nerve.”

In between the bickering-almost all of it unnecessary-a real issue is at stake: To what extent does the speech of Nazis fall under the protection of the First Amendment?

The ACLU position is that almost all of it does. The ADL position is that almost none of it does.

The ACLU position is that even though Nazi programs, slogans and uniforms may cause severe discomfort and anguish to the citizens of Skokie, that is the price to pay for a free society.

The ADL position is that the “psychic assault” on the Jews of Skokie by the Nazis is not protected by the First Amendment.

**I PRESENTED** the ACLU’s position in a column Sunday. Here is the DAL’s position as presented by Rosen:

“Firstly, I am a member of the ACLU and I have not resigned from the organization. Secondly, I was at one time the chief counsel of the Civil Rights Section of the Justice Department. I have come from a long background of civil rights concerns.

“We believe we are defending the First Amendment. We are trying to make sure the First Amendment does not receive a bad name among very concerned and good Americans.

“If I call you an s.o.b., that’s not free speech. You can hit me in the jaw and be

# ADL's side of the Nazi furor

Continued from Page 6

absolutely free from prosecution. There is improper and illegal speech.

“The same march may be perfectly legal in Daley Plaza, but an assault when you take it to the Village of Skokie. Even if the Nazis are silent, that can be an assault if they show up in brown shirts, jack boots and swastikas.

**WHAT THE NAZIS PLAN** to do in Skokie is not protected by free speech. The courts will decide whether we are correct or incorrect in this.

“At first, we advised the people of Skokie to ignore the Nazis. They bitterly rejected this. OK, they have rejected our advice. We represent the Jewish community. They are our clients. So our next step was to adopt a tactic to avoid a ghastly and bloody confrontation. This we did by filing suit to block the Nazi march.

“We are engaged in a very legitimate controversy. We are pleased with our role in it. This matter will be settled – we hope – in the courts and not in the streets. In this

gard we are in accord with the ACLU.”

People should not be upset with the disagreement between the ADL and the ACLU. It is something that we call democracy. It has not been around as long as dictatorship, but it is doing the best it can.