

ACLU may fight proposed march laws

By GREG HINZ
Staff Writer

SKOKIE — The head of the Illinois division of the American Civil Liberties union (ACLU) has charged that two pending state senate bills designed to block a Nazi march in Skokie are “unconstitutional” and based on “bankrupt” logic.

ACLU director David Hamlin further said Thursday, May 4, that the ACLU likely will take court action if the bills are enacted and the village of Skokie seeks to enforce them.

“These bills are based on the same principle that already has been rejected by the courts,” Hamlin said. “The courts have already spoken.

There is nothing in the U.S. Constitution which says that people are censorable on the basis of their beliefs.”

THE FIRST BILL, sponsored by State Sen. Howard Carroll (D-15th), would ban the display in public places of slogans, uniforms, etc., that would expose people to “contempt, der-

ision or obloquy” solely based on their race, creed or religion.

Carroll said his “group libel” bill is based on an old law upheld by the U.S. Supreme Court in 1952. In that case, Carroll said, the court upheld the arrest of a man for distributing “white power” literature.

The second bill sponsored by State Sen. John Nimrod (R-4th), would ban demonstrations which arouse “reasonable apprehension” of “the use or display of physical force in promoting any political objective.” The courts would be directed to consider the ethnic makeup of a community in determining whether a demonstration met that definition.

NIMROD SAID HE believes his bill is constitutional, but added that the courts, not the legislature, determine constitutionality.

Hamlin said Carroll’s analysis of the state’s old group libel statute is “dead wrong.” Hamlin said the 1952 court ruling on which Carroll bases his argument “has been junked by just about everyone.”

The same issue was involved in Skokie ordinances that were rejected by the courts, Hamlin continued. “It’s the same principle.”

Hamlin argued that if Carroll’s bill were upheld, it would be illegal to present Shakespeare’s “Merchant of Venice” in a Skokie park, since the character of Shylock exposes Jews to “contempt, derision and obloquy.”

Hamlin said the definitions in Nimrod’s proposal are “vague” and that the whole thrust of the bill runs counter to the constitution’s guarantee of freedom of speech.

“THIS WHOLE SKOKIE matter has created high tension and anguish during the last year,” Hamlin said. “Why prolong it? The courts have clearly spoken.”

Hamlin said that instead of passing still more laws, the affected parties should wait for the Supreme Court ruling on the Skokie ordinances.

Both Nimrod and Carroll noted that ACLU representatives did not testify on their bills when the measures were unanimously approved by the senate

judiciary committee Tuesday, May 2.

“I wish the ACLU would come in and make some suggestions on how to improve this bill,” Nimrod said. “Why are they criticizing it this way before it’s even passed?”

Hamlin said his group does not expect to testify in house hearings on the measures since some legislators intend to argue in favor of the ACLU’s position.

CARROLL’S BILL specifically allows a court to issue an injunction against a proposed action it believes would violate the law. Hamlin, however, said, “I can’t imagine that we would not bring a lawsuit” if the village of Skokie seeks such an injunction in the Nazi case.

Both bills are expected to win approval easily in the senate when they come up for a vote next week. However, legislators say the measures could run into opposition in the house.

Carroll said he will ask all three 15th district state representatives to sponsor his bill in the house—Democrats Alan Greiman and William Laurino and Republican Peter Peters.