

Schwartz: If Nazis come we'll arrest them

DIANE DUBEY

Correspondent

THIS WEEK's United States Supreme court decision has not paved the way for a Nazi demonstration in Skokie, according to Harvey Schwartz, Skokie corporation counsel.

Schwartz called Nazi plans to march in the village July 4 "a grab for publicity" and said that "if Collin (Chicago-area Nazi leader Frank Collin) wants to parade in Skokie on the basis he's said, he's going to violate our ordinances and we're going to arrest him."

In the 5-4 decision handed down June 15, the Supreme court lifted the injunction issued in April by Cook County Circuit Court Judge Joseph Wosik to prevent a planned May 1 march by the Nazis. An extension of this injunction by Judge Harold Sullivan has prevented the National Socialist (Nazi) party from rallying in Skokie on another date.

"The basic issue at stake is that this decision has no effect on Collin's marching-that is governed by our ordinances, not by Supreme court order," Schwartz told The LIFE Thursday, June 16, referring to three ordinances passed by Skokie's village board May 2 to avoid further threats of Nazi demonstrations.

THE VILLAGE ordinances, similar in content to a Skokie park district ordinance adopted last October, required \$350,000 in liability insurance from any group of 50 or more persons wishing to hold a parade or public assembly. The ordinances also prohibit public demonstrations by members of political par-

ties wearing military-style uniforms and forbid the distribution of materials which incite group hatred.

Collin has admitted to The LIFE that it is virtually impossible for his group to obtain the necessary insurance.

"If he (Collin) wants to test the ordinances, he doesn't have to violate them," Schwartz said. "At this point talk of a July 4 march is nothing but a publicity stunt."

After the Supreme court lifted the injunction Wednesday, Collin told The LIFE that Nazi delegates from all over the country will march in Skokie on July 4 with their Chicago-area counterparts.

Schwartz said it is "premature" to discuss whether the village will seek an injunction preventing the July 4 march, although he admitted that this is a possibility.

DAVID HAMLIN, executive director of the American Civil Liberties Union (ACLU), which is representing the Nazis, said that deliberately violating the ordinances is a valid way to test their constitutionality.

"The village has only one option but we have at least two," Hamlin said after hearing the Supreme court decision. He explained that ACLU lawyers can wait until the Nazis demonstrate and get arrested or they may choose to "wage an affirmative challenge to the constitutionality of one or more of the ordinances."

Both Schwartz and Hamlin called the Supreme Court decision "important and significant" although, to Schwartz, it was "not a matter the Supreme court should take jurisdiction of."

"It is important and significant insofar as what was decided, but the decision is very limited in scope, very narrow," Schwartz said.

"In effect, the Supreme court said to Illinois that where there is a first amendment rights issue and an injunction has been issued for any purpose, there are two choices: to give the person a speedy hearing or to lift the injunction during the normal appeal process. . . . In this case the Supreme court lifted the injunction because

there was no speedy process," Schwartz explained. He added, "I can live with that."

BOTH THE ILLINOIS Appellate court and the Illinois supreme court have refused, within recent weeks, either to overturn the injunction or to hold a trial on the merits of the case.

"It could take a year before the courts rule on the merits of the injunction or the validity of the ordinances," Schwartz said.

Hamlin, however, sees the decision as "a significant statement about first amendment protections. . . . terribly important law beyond its impact for Skokie."

Since the Nixon years, the pattern has been for constitutional disputes with governments to be turned back to the state courts, he said, explaining that this decision "requires state courts to respond affirmatively to constitutional issues."

"What the Supreme court is saying

is 'We expect state courts to move,' " Hamlin said.

Skokie, a community with a majority of Jewish residents, is home to as many as 7,000 Jewish survivors of the holocaust in Europe during World War II.

To avoid confrontation between residents and marchers in the event of a Nazi demonstration, village officials will "have adequate personnel on hand to enforce the ordinances," said John Matzer, village manager.