Skokie appeal is rejected

By Ellen Warren

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WASHINGTON--The United States Supreme Court Monday ended the long and emotional legal battle between Skokie, Ill., and the Nazis who had wanted to assemble there in storm-trooper uniforms emblazoned with swastikas.

The high court refused to tamper with lower court rulings that had wiped out ordinances enacted by the village last year to prevent the Nazi gathering. Those courts said the ordinances were an unconstitutional denial of the Nazis' free speech rights.

Voting 7 to 2, the justices Monday decided not to examine Skokie's argument that the Nazis' free speech rights must not take precedence over the rights of Skokie's some 40,500 Jewish residents, many of them survivors of the World War II holocaust.

ONLY JUSTICES HARRY A. Blackmun and Byron R. White voted to review the case with Blackmun writing, "The issues cut down to the very heart of the First Amendment.

"On the one hand, we have precious First Amendment rights vigorously asserted. . . . On the other hand, we are presented with evidence of a potentially explosive and dangerous situation, enflamed by unforgettable recollections of traumatic experiences in the second world conflict.

"The present case affords the Court an opportunity to consider whether . . . there is no limit whatsoever to the exercise of free speech."

Skokie officials and attorneys were not available for comment, but Nazi leader Frank Collin and the American Civil Liberties Union, which represented the Nazis, hailed Monday's Supreme Court action. It was the fourth time that the high court has acted in Chicago area Nazi-right-to-march cases.

"I'M RELIEVED," SAID David Goldberger, legal director Of the Illinois ACLU, who had seen membership of his group erode by about 20 per cent since the ACLU decided to represent Collin. "It's over. There is nothing left. It's been a long, painful road, and I'm happy that we finally heard the end of it."

Collin said, "I'm not at all surprised although I am pleased. For the Supreme Court to have acted otherwise, they would have had to fly in the face of all those previous decisions."

Collin was referring to the Feb. 23, 1978, decision by U. S. District Court Judge Bernard M. Decker declaring three Skokie ordinances, enacted May 2, 1977, unconstitutional.

A three-judge federal appeals court panel in Chicago later agreed with Decker, and Skokie issued a demonstration permit for last June 25.

After winning the right to march in Skokie, however, the Nazis switched plans and, after another federal court victory, rallied twice in Chicago, on June 24 and July 9.

DESPITE THE NAZIS' latest victory at the highest court, Collin cautioned that he may be back in court and, in the course of that fight, Collin did not rule out the prospect of another attempt to march on Skokie.

"I am not going to abuse that (Monday's Supreme Court action). That does not mean we're going to start disruptive rallies," Collin said.

But, he added that the Chicago Park District has acted to prevent further Nazi marches in Chicago parks by requiring new information on parade permit applications.

"We will challenge the park district in court. If by spring, let's say, we've gone to court and the park district has still not relented . . . I see we have no other choice but to go to Skokie. . . .We'll make our point in a very hostile area again. We're interested in free speech. We're going to Skokie again if they (the Chicago Park District) don't give us our rights."