

# ACLU will fight swastika decision

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**THE AMERICAN** Civil Liberties Union (ACLU), legal Counsel for the National Socialist (Nazi) Party of America, is preparing to fight a recent Illinois appellate court decision banning the swastika from the streets of Skokie in the event of a Nazi march in the village.

David Goldberger, ACLU attorney, told *The LIFE* Tuesday, July 26, that he has petitioned the Illinois supreme court for leave (permission) to appeal the appellate court ruling handed down July 12. He said he expected some response from the supreme court on Wednesday, July 27.

In the appellate court ruling, judges Thomas McGloon, Mayer Goldberg, and John O'Connor modified the April 29 injunction issued by Cook County Circuit Court Judge Joseph Wosik which averted Nazi marches planned for May 1 and July 4. In modified form, the injunction would permit the Nazis to march in Skokie without the display of the swastika which the judges believe would constitute a deliberate provocation of the people of Skokie.

**ACCORDING TO** the judges, however, the attorneys for the village of Skokie failed to prove that the Nazi presence, uniform, or printed materials would incite violence.

At a hearing held July 8 on the injunction, Nazi leader Frank Collin said he would not march without displaying the swastika.

"That is my party identification, that is my symbol, and we will not be parted from it," he said.

Goldberger said he has no idea when an appeal on the swastika ban would be filed.

"At this point nothing is predictable. Illinois courts have never had to contend with a case of prior restraint like this," he said.

Another judicial decision involving the Nazis and the ACLU came on Friday, July 22, when Judge George Leighton of U.S. District Court struck down as unconstitutional a Chicago park district requirement of \$350,000 insurance by any group wishing to hold a public assembly in a Chicago park. Leighton ruled that the insurance requirement violates the first amendment of the U.S. constitution because it places an onerous burden on any group wishing to obtain a park permit.

**BOTH THE** village of Skokie and the Skokie park district have enacted ordinances containing similar insurance requirements but legal representatives for both bodies deny that the Chicago case has direct implications for Skokie.

Harvey Schwartz, Skokie corporation counsel said Monday, July 25, that "the decision in the Chicago park district case affects the Chicago park district." Roger Bjorvik, attorney for the Skokie park district, said Monday that he will wait for the result of the appeal of the decision before he determines the case's applicability to Skokie.

Goldberger, however, believes the Chicago case has a direct bearing on the Skokie ordinances which "we always felt were unconstitutional."

In addition to establishing the insurance requirement, the ordinances adopted May 2 by the village trustees prohibit both demonstrations by members of political parties who wear military-style uniforms and the distribution of materials which incite group hatred.

ACLU representatives have, in the past, indicated the group's intention to challenge the Skokie ordinances, but have not yet done so.