

Freedom of speech is one of the most precious liberties guaranteed by the First Amendment to the Constitution of the United States. Because of this protection, intellectual freedom abounds and all Americans have the right to communicate their opinions and beliefs in the marketplace of ideas. Still, throughout our history, some concerned citizens have argued that it is necessary to limit the rights of those who advocate racism, fascism, sexism, and other obnoxious views. The government, these individuals assert, can and should make exceptions to the universal rule of free speech.

First Amendment rights are easier to affirm in theory than to support in practice. This reality was made clear in 1977 when Frank Collin, head of the Chicago-based National Socialist Party of America, determined to hold a Neo-Nazi rally in the heavily Jewish suburb of Skokie, Illinois. During the eighteen months between the time when Collin sent his first request to the village for a permit to demonstrate until the final court decisions were handed down, the Skokie/Nazi confrontation was a civil liberties battle of epic proportions.

The debate is sure to continue following the broadcast of "Skokie" on the CBS Television Network on October 13. (Please check local listings to confirm the date and time in your area.) This drama special depicts the events which took place in Skokie during 1977 and 1978. Some of the characters' names have been changed, and some fictional characters have been created. But the events are portrayed essentially as they happened. The screenplay by Ernest Kinoy effectively conveys both the unswerving commitment of those who defended the First Amendment rights of the Nazis and the strong passion of those who were

convinced that guarantees of freedom of expression do not apply to groups who would end this right for others.

Herbert Wise directs a large and distinguished cast including Danny Kaye, John Rubinstein, Carl Reiner, Eli Wallach, Ed Flanders, Lee Strasberg, Charles Levin, James Sutorius, George Dzundza, Marin Kanter, and Kim Hunter. "Skokie" is produced by Titus Productions, Inc. ("Holocaust"). Herbert Brodtkin is the executive producer, and Robert Berger is the producer.

ABOUT THIS VIEWER'S GUIDE

"Freedom," wrote Leslie Lipson in *The Great Issues of Politics*, "is what the people earn and guard for themselves." Principles such as the right to free speech are abstractions—they become meaningful only when given life in flesh-and-blood situations. "Skokie" presents television viewers with an opportunity to test their knowledge, understanding, and appreciation of the First Amendment's guarantee of free speech. The section of this guide titled "For or Against" summarizes the positions of the various parties during the Skokie/Nazi dispute. The discussion questions, then, encourage individuals and groups to grapple with the many issues raised in the drama.

The section on "Holocaust Survivors and Their Families" provides an occasion for viewers to respond to the moral values behind the stands taken by Skokie's Jewish citizens.

The final section suggests projects which seem to flow naturally out of viewing and discussing "Skokie." These exercises are appropriate for classroom use or for individuals interested in new lifelong learning projects.

THE EVENTS

[This chronology of the key events in the controversy has been compiled from *The Nazi/Skokie Conflict* by David Hamlin, who was the Executive Director of the Illinois Division of the American Civil Liberties Union in 1977-1978.]

- In February, 1977, Frank Collin, head of the National Socialist Party of America, writes the Trustees of the Park District of the Village of Skokie requesting a permit to hold a Neo-Nazi rally there.

- The Board of Trustees of the Skokie Park District informs Collin that he will have to provide a bond or insurance in the amount of \$350,000 before he will be issued a permit to demonstrate in one of Skokie's parks.

- Collin informs the Skokie Village Council that he and his followers will protest the insurance bond requirement on May 1 in front of the Skokie Village Hall.

- On April 27, the Village of Skokie asks for a court order to bar Collin from demonstrating.

- Collin calls the Illinois Division of the American Civil Liberties Union and asks them to defend him against this violation of his right to free speech and assembly. They agree to take his case.

- Cook County Chancery Judge Joseph Woelk issues an injunction barring Collin and the National Socialist Party of America from parading in uniform in Skokie on May 1.

- The ACLU files an appeal with the Illinois Appellate Court. The court denies the appeal.



THE STORY

When Mayor Smith (Ed Flanders) and Bert Silverman (Eli Wallach), the town lawyer, learn that Frank Collin (George Dzundza) is planning to hold a Neo-Nazi demonstration in Skokie, they organize a series of community meetings. They hope to calm the public but soon discover that their constituents will not tolerate Nazis in Skokie. The town leaders set in motion a series of legal roadblocks to keep Collin and his followers out.

Max Feldman (Danny Kaye), a survivor of a Nazi concentration camp, speaks for many of Skokie's Jews when he declares that he will resist any Neo-Nazis who come to demonstrate in their village. Just the thought of brown-shirted troopers wearing swastikas terrorizes Max's wife Bertha (Kim Hunter). The crisis forces the Feldmans to discuss with their teenage daughter Janet (Marin Kanter) something they have always avoided—their experiences in the Holocaust. She, in turn, struggles to come to terms with her own identity as separate from their legacy of suffering.

Herb Lewisohn (John Rubinstein), the lawyer from the American Civil Liberties Union who represents Frank Collin, sees the case as a clear-cut challenge to the First Amendment. Both he and Aryeh Neier (Stephen Newman), the National Executive Director of the ACLU, bear an additional burden—they are Jews criticized for defending anti-Semites.

- Collin announces he will demonstrate in Skokie on April 30.

- Judge Harold Sullivan expands Judge Woelk's order banning the Nazis from parading in Skokie "until further notice of the court."

- On May 2, the Skokie Village Council passes three ordinances aimed at Collin: (1) requiring a permit for any parade of 50 or more in Skokie, to be acquired only after giving the village 30 days advance notice and proving possession of \$350,000 worth of liability insurance, (2) forbidding the public display of "symbols offensive to the community" and parades by military organizations in "military style" uniforms, and (3) banning the distribution of literature containing "group libel."

- On May 4, the Illinois Board of the ACLU decides to continue their involvement in the case.

- The Illinois Supreme Court declines to hear an appeal about the expanded injunction until the Appellate Court rules.

- On June 14, the Supreme Court of the United States rules that any citizen subject to prior restraint of speech is entitled to have that restraint either reviewed or removed immediately. The Illinois courts are ordered to hear arguments on Skokie's injunction.

- On July 8, the Appellate Court leaves the injunction in force by changing the ban from wearing uniforms to carrying swastikas. The ACLU appeals to the Illinois Supreme Court.

- Several Jewish groups file a "survivor suit" against Collin claiming that a demonstration by

Neo-Nazis in Skokie would constitute "menicide" ("the willful infliction of emotional harm") on Holocaust survivors residing in the Village.

• On January 27, 1978, the Illinois Supreme Court finds that the injunction preventing Collin from demonstrating in Skokie is unconstitutional. The court dismisses the survivor suit.

• On February 23, U. S. District Court Judge Bernard Decker finds Skokie's three ordinances to be in violation of the United States Supreme Court's dictate.

David Hamlin (James Sutorius), the Executive Director of the Illinois Division of the ACLU, stands with Lewisohn, even though the organization loses many members and large contributions because of their defense of Collin's rights.

Abbot Rosen (Carl Reiner) of the Anti-Defamation League of the B'nai B'rith at first recommends that Jews in Skokie ignore the Neo-Nazi demonstration, thus denying them the media attention they want. As the controversy deepens, however, the ADL joins with other Jewish groups to bring a "survivor suit" against Collin. Rabbi Steinberg (Charles Levin), a local rabbi, counsels nonviolence while Wendy Raskin (Robin Bartlett) of the Jewish Defense League advocates confrontation with the Neo-Nazis. Other clergy in Skokie show their solidarity with the Jews by supporting them against the proposed demonstration.

• The United States Court of Appeals for the Seventh Circuit affirms Judge Decker's finding and orders the Village of Skokie to issue a demonstration permit to Frank Collin.

• Jewish and other groups plan a huge counterdemonstration against Collin should he come to Skokie.

• Collin does not use his court-mandated First Amendment right to demonstrate on the steps of the Village Hall in Skokie on June 25, 1978.

I. FOR OR AGAINST?

If there is any principle of the Constitution that more imperatively calls for attachment than any other it is the principle of free thought—not free thought for those who agree with us but freedom for the thought that we hate.
— Justice Oliver Wendell Holmes

1. What position did you take at the beginning of the drama? Did you ever find yourself identifying with the other side? With whom did you stand in the end?

2. What blind spots on the issues does Max Feldman demonstrate? Herb Lewisohn? Abbot Rosen? Others? Who seems most self-righteous in the drama? Do you think anyone could have compromised to bring about more understanding during the battle?

3. The following arguments were used by those opposed to allowing the Neo-Nazis to demonstrate in Skokie. Do you agree or disagree with them? What other arguments would you use?

- Nazis wearing swastikas in a predominantly Jewish community are, in effect, falsely shouting "FIRE" in a theatre. Such speech is not protected by the First Amendment.
- Fascists in America have no right to free speech since they are out to overthrow democracy.
- The demonstration should not be allowed because it would create unlawful violence; the Nazis would incite the crowd to riot.
- Fascist dogma—speech without any redeeming social value—is obscene and ought not to be protected by the First Amendment.

4. What is the "doctrine of fighting words"? What is a "heckler's veto"? How are they relevant to the Skokie cases?

5. "Sticks and stones may break my bones, but names will never hurt me." Have you found this rhyme to be true?

6. Do you agree with the ACLU's contention that if you fail to protect even the most odious and unpopular speech, you risk undermining all free speech?

7. According to the ACLU, no group is entitled to decide for the larger community that any ideas are so lacking in merit as to be excluded from the public forum. Do you subscribe to this principle? Has there ever been censorship of free speech in your community?

8. Supreme Court Justice William O. Douglas wrote: "A function of free speech under our system of government is to invite dispute. It may indeed best serve its high purposes when it induces a condition of unrest, creates dissatisfactions with conditions as they are, or even stirs people to anger." Relate this thought to "Skokie."

9. Do you think there is a point at which free speech should be limited?



II. HOLOCAUST SURVIVORS AND THEIR FAMILIES

Our humanity remains tragically tied to the inhumanity we oppose and endure.

— Terrence Des Pres, author of *The Survivor*

1. In a speech to Skokie's Jewish community, Aryeh Neier quotes Albert Camus: "Freedom is the concern of the oppressed and her natural protectors have always come from among the oppressed." Have you found this to be true? What point is Neier trying to make?

2. When do you identify with the Holocaust survivors in Skokie the most? Have you ever experienced an instance when a generally stated antagonism felt like a personal attack upon you? How did you respond?

3. What motivates Max Feldman to make such a strong stand against the proposed Neo-Nazi demonstration? Is there any truth in his daughter's criticism of him?

4. If you were Bertha Feldman's best friend, how would you pull her out of her depression and fear?

5. Growing up the daughter of concentration camp survivors is like carrying "a terrible time bomb," says Helen Epstein in her book *Children of the Holocaust*. How does this apply to Janet Feldman?

6. "What preserves the Jew's separateness," writes historian Peter Gay, "is far less his ancient religion or some distinct culture than his terrible memories; it is Hitler who has defined the modern Jew and continues to define him from the grave." Has the Holocaust replaced religious observance as the source of Jewish identity?