

NATIONAL SOCIALIST PARTY v. VILLAGE OF SKOKIE
432US, 53 L Ed 2nd

The right to assemble covers all sorts of occasions, from Saint Patrick's Day parades through outdoor concerts to political rallies in public parks. But what happens when a group considered noxious by an undoubted majority of the nation's populace expresses a desire to parade through areas whose inhabitants have a special reason to find them particularly loathsome? Such was the situation when the American Nazi organization, the National Socialist Party, adulating Adolf Hitler and all he stood for, announced its desire to hold a rally in a Chicago park. The park was quickly declared off limits for such purposes and the Nazis then declared they would, instead, hold a march through the streets of the Chicago suburb of Skokie. They could hardly have made a more inflammatory decision--which was, of course, their intention. Skokie is inhabited primarily by Jews, a large percentage of whom are survivors of the Nazi Holocaust. Here indeed was an issue to test the mettle of the most dedicated civil libertarian!

Historically, the institution most zealous in its efforts to safeguard constitutional rights has been the American Civil Liberties Union (ACLU). Historically, too, the ACLU has had a large percentage of Jewish members--witness perhaps to the proposition that those who have known persecution are among the first to rally against it. Obviously the Nazi/Skokie situation presented the organization with a cruel dilemma. In the end, the ACLU defended the Nazis' right to march.

This was in spite of the fact that the trial court granted an injunction (a temporary court order to not do something) forbidding the Nazis to march and when the ACLU appealed to the Illinois Supreme Court to lift the injunction and allow the march, the State Supreme Court refused.

QUESTIONS TO BE PRESENTED TO THE COURT

1. Does Skokie's Jewish population have a right to feel strongly against allowing the march?
2. It was argued in the lower court that the purpose of this demonstration was to inflict emotional pain on Skokie's residents. Do you find this argument to have merit? Should the motive of the speaker affect whether the speech is protected by the Constitution?
3. Does the government have an obligation to protect the rights of the Nazis and other unpopular groups? If so, should the Ku Klux Klan or Socialist Party rallies have the same protection?
4. How should this case be decided? In what ways, if any, should the town be able to regulate speech and assembly?