

National Socialist Party of America v. Village of Skokie

The Skokie Affair



*"If we don't believe in freedom of expression for people we despise, we don't believe in it at all."
- Noam Chomsky*

Facts:

The National Socialist Party of America (NSPA), at the time a predominately neo-Nazi party, planned a rally in Skokie, Illinois. Skokie was a largely Jewish community, with many of its residents having survived the Holocaust. The neo-Nazi leader Frank Collin originally planned to march near Marquette Park on the south side of Chicago. However, the Park District demanded a 350,000 dollar insurance bond to protect against any possible violence or rioting which resulted from the Nazi's demonstration. The purpose of the insurance bond, which no other protesting groups were required to meet, was to prevent the Nazis from demonstrating.

The Nazis responded by filing permit applications in suburbs throughout the Chicago area claiming that they wanted to march in each place. Skokie was the first to turn them down, and the Nazis decided to go anyway. Skokie then obtained an injunction to prevent the demonstration. The



case went through lower Illinois courts, all of which disallowed the NSPA from marching, walking, or parading in their uniforms, from displaying the swastika in any form and from distributing pamphlets or displaying any materials relating to the Nazi party.

The ACLU represented the NSPA, and the case was fought in the state courts, the federal courts, and, the Supreme Court of the United States. Ultimately, the courts ruled that Skokie was

treating the NSPA differently from other groups because of its political views and that denying a permit and forcing the NSPA to pay a gross amount in insurance costs was a violation of the group's First Amendment rights. All groups, no matter the popularity of their respective opinions, are to be treated equal under the Constitution of the United States. The Court further held that, notwithstanding its offensiveness, the use and display of the Swastika represented a symbolic form of free speech entitled to First Amendment protections.

Implications:

The implications of the decision in the immediate-term were limited. Following negotiations with the US Department of Justice, the Nazis held their assembly in downtown Chicago rather than Skokie with a minimum amount of disorder.

However, the repercussions of the decision in the long-term, not only for the state of Illinois but for the United States as a country, were profound. The decisions by the state and federal courts in Illinois affirmed the belief that the First Amendment right to free speech protects individuals' rights to express their views, even if most people consider those views extremely offensive. In this way, the First Amendment prevents majorities from silencing minority views with which they do not agree. The case definitively demonstrates that the First Amendment not only protects the views that most citizens support, but also unpopular beliefs as well.

*For more information, go
to www.acluohio.org*