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My Dear Friend:

I am the American Civil Liberties Union lawyer who went into court last year to defend freedom of speech in Skokie, Illinois, for a handful of people calling themselves "nazis."

The case has had an enormous impact on my life.

It also gravely injured the ACLU financially.

I would like to explain why we took the case, and why the ACLU needs your help now.

The case began when the nazis scattered requests to several Chicago suburbs seeking permits to hold a rally in their towns. Skokie was one of those towns.

Many of the towns that received the nazis' request just ignored it. Skokie did not.

Skokie responded by obtaining a court order banning the rally, and by passing several local laws that in effect prohibited most political rallies, not only the nazis'.

The nazis asked us to defend their right to hold the rally, and to challenge one of the laws prohibiting it. Though I detested their beliefs, I went into court to defend the First Amendment.

I've had a lot of experience with bans on speech like the one in Skokie. I've opposed them when they were used to block civil rights marches, and I've opposed them when they were used to ban anti-war demonstrations. Just recently, I represented the Martin Luther King, Jr. Coalition, which was being banned from Marquette Park, a hostile white neighborhood on the southwest side of Chicago, by a law very much like one of the Skokie laws.

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But the Skokie case was quite different.

Skokie's population is predominantly Jewish, and includes a large number of concentration camp survivors. To allow people calling themselves nazis to parade in that town seemed to many an agony too much to bear.

I share that agony. All of us at the ACLU do.

The then Executive Director of the ACLU, Aryeh Neier, is himself a survivor of nazi Germany. He has more reason than most to despise what people calling themselves nazis stand for.

But the nazis are not the real issue. The Skokie laws are the real issue.

Very few people have actually seen the Skokie laws. They do not specifically prohibit nazis from speaking. They don't even mention them.

The Skokie laws require anyone who wants to speak, parade or demonstrate to apply first for a permit, and they grant the village officials the power to deny a permit if in their opinion the proposed speech portrays a "lack of virtue" in others or "incites hostility."

Anyone who wants to speak must also post a \$350,000 insurance bond. This requirement applies to everyone, not only the nazis, and since insurance companies rarely will write such insurance, the requirement in effect prohibits everyone's free speech.

It is crucial that these kinds of laws and requirements be struck down, because there is no way to limit them. If they are not struck down, then towns everywhere will have the legal power to pass identical laws, and to use them to prohibit whatever they believe is offensive.

Think of such power in the hands of a racist sheriff, or a local police department hostile to anti-war demonstrators, or the wrong kind of President.

That is what was at stake in the Skokie case.

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Yet many, understandably, did not see it that way. They felt that the nazis' views were so reprehensible that they did not deserve the protection of the Constitution.

A few people even made personal threats against me and other members of the ACLU staff.

The effect of all this on the ACLU was very disturbing to me. Thousands of members resigned, and its income plummeted. All over the country, ACLU offices had to lay off staff, jeopardizing many of its cases.

Of the approximately 6,000 cases handled by the ACLU throughout the country, only six -- or one-tenth of one percent -- are like the Skokie case. But now the others are in danger, too, because there isn't enough money to continue.

What could we say to the woman who has been cut off from Medicaid payments for abortion? Or to the parents of a mentally retarded child rotting in a state institution? What could we say to a former government employee whose book on the CIA is being censored? Or to parents and teachers in a high school that has just banned Kurt Vonnegut and Bernard Malamud from its shelves?

Too often, we had to say no, we can't help. Too many members stopped contributing.

And what about ACLU's lobbying in Washington? Do you remember S.1, the notorious revision of the criminal code that we successfully beat back with our members' help? Now a new bill, improved but with many of the same provisions in it, is about to be introduced in Congress. Should we stop lobbying?

On May 22, 1978, the United States Court of Appeals struck down all three Skokie laws including the \$350,000 insurance requirement. A short time later the United States Supreme Court refused a request to bar the Skokie demonstration.

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We were relieved that the citizens of Skokie were spared yet another reminder of the horrors that nazism represents. The nazis chose to rally in Chicago when the ACLU persuaded the U.S. District Court to overrule the Chicago Park District's opposition.

For more than a year, the ACLU stood on the edge of a precipice. Now, slowly, painfully, we are rebuilding our financial strength, due mainly to the support of people who have recognized -- now that the passions of the moment have subsided -- that the ACLU had no choice but to keep faith with the freedoms it is pledged to defend.

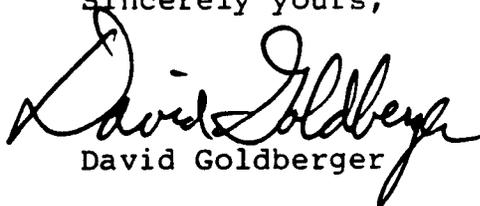
We have survived the immediate crisis, but we now face the difficult and uncertain way ahead. Your contribution now will help put us on the long road back.

In every generation, there is a comparatively small number of people with rare social insight whose thoughtfulness and conscience tip the scales in favor of important human values. Their names are not always recorded in the history books, but the consequences of their deeds are.

As a citizen deeply concerned with human rights, you have identified yourself as part of the "saving remnant" of our own time. Now we ask you to join with others like yourself all over the country not just to support ACLU but to save it.

Won't you please use the enclosed form to join the ACLU today?

Sincerely yours,


David Goldberger

And now back under the rock

The "American" Nazis have now had their little day in the limelight, exercised their constitutional right to stamp around in absurd uniforms and, with any luck at all, will disappear quickly back under their rock.

Associated Press analyst Arthur H. Rosten says that even though the Nazis were able to attract serious press attention with their threat to march through a Jewish suburb of Chicago, they have not received additional support. That is a tribute to the good sense and decency of most Americans.

The American Civil Liberties Union lawyer who represented the Nazis in court, David Goldberger, himself a Jew, says the Constitution was the victor. The ACLU itself lost considerable support because of its defense of people it despises. But the organization lived up to its name and also was a winner, in a real sense. Not many organizations will stand by their principles with the fortitude shown by the ACLU.

The Nazis called off their Skokie threat and instead turned out in minuscule force for a 10-minute appearance at a plaza near the federal building in Chicago. It was a token display of their right to march, but it served also to show how tiny is the Nazi presence.

Out of this episode may come a stronger ACLU and a stronger appreciation of the importance of the rights guaranteed under the Constitution — rights so important they must not be abridged even if the purpose is to stifle 29 very strange people who hate the rights they wanted to exercise.

