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Courts may issue orders to block rallies and regulate conduct at demonstrations when there is danger that free speech may touch off violence, the Supreme Court said yesterday.

But the Court said that judges, except in very rare instances, may not enter such orders merely on the word of government authorities but must give the demonstrators an opportunity to be heard.

The Court unanimously struck down an August, 1966, order that blocked for ten days a rally planned by the racist National States Right Party in the tense Eastern Shore community of Princess Anne in Somerset County, Md.

Called Unconstitutional

Authorities argued that the town "would have blown up" under provocations from the right-wing demonstrators but for court intervention. The American Civil Liberties Union, relying on free-speech decisions of less violent years, called the court injunction an unconstitutional prior restraint on First Amendment rights.

Writing for the high court, Justice Abe Fortas said the court order was "incompatible with the First Amendment" because it was obtained without consulting the would-be demonstrators.

Ex parte—one sided—requests for injunctions are to be avoided when First Amendment rights are at stake, Fortas said, since "there is danger in relying exclusively on the version of events and dangers presented by prosecuting officials because of their special interest."

The targets of a proposed court order are needed so that the judge has available "the fundamental instrument for judicial judgment: an adversary proceeding in which both parties may participate," said Fortas. He said the demonstrators' side of the case also is needed to keep the order "couched in the narrowest terms that will accomplish the pin-pointed objective" of keeping order while preserving the rights of free speech.

Fortas said the Court "need

not decide the thorny problem" of whether any injunction was justified in the Princess Anne episode. But he made clear that court intervention would be sustained in "special, limited circumstances in which speech is so interlaced with burgeoning violence that it is not protected by the broad guaranty of the First Amendment."

The Justice agreed with County officials that the Party's leaders had held one rally featuring speakers who "engaged in deliberately derogatory, insulting and threatening language" aimed primarily at Negroes and Jews before an audience of 200, about one-quarter black.

Speakers at the rally on the courthouse steps suggested that Negroes should leave for Africa, "in a box" if necessary. Party official Richard Berry Norton announced a second rally the following night, urging listeners to "take it easy tonight" but to "come on back tomorrow night, let's raise a little bit of hell for the white race."

Party leaders Norton, Joseph Carroll and Charles (Connie) Lynch had held a rally a month earlier that triggered violence in East Baltimore and brought them two-year prison sentences for inciting to riot.

Blocked by Order

The Princess Anne rally was blocked by the court's order but Fortas said there was no evidence that the Party could not have been notified, "formally or informally," of the injunction proceedings.

County and State officials argued that the case was moot—legally dead—because the temporary order had long since expired. But Fortas noted that officials had continued to use a Maryland Court of Appeals decision sustaining the order as authority for denying further rallies.

While all nine Justices agreed that the injunction was invalid, Justices Hugo L. Black and William O. Douglas, who have consistently opposed "prior restraint" measures in almost any form, noted that they concurred with the decision.

Supreme Court Defines Right To Bar Rallies