

Limits of Free Speech Argued in Gregory Case

By Barry Schweid
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Their own emotions showing through, Supreme Court justices considered yesterday whether limits have to be put on unpopular demonstrators because they inflame the emotions of fellow citizens. A major free speech ques-

tion was posed in an appeal by Dick Gregory, Negro comedian and writer, who led 65 to 70 people to the home of Mayor Richard J. Daley of Chicago in the summer of 1965—seeking the ouster of Benjamin Willis, then Superintendent of Schools.

The march attracted 1200 or so spectators, many of them hostile, and the demonstrators were pelted with rocks and eggs. When Gregory refused to send his followers home, he and 39 others were arrested for disorderly conduct, and Gregory was fined \$400.

Marshall Patner, an American Civil Liberties Union lawyer, tried to convince the court that angry hecklers should not be allowed to veto the constitutional right of demonstrators to take their grievances to the streets.

Indeed, Patner argued, the police have a responsibility of protecting them from physical threats—that the kind of hecklers who on other occasions shouted down Secretary of State Dean Rusk, Sen. Edward

M. Kennedy, D-Mass., and Secretary of Agriculture Orville L. Freeman should be subject to arrest.

In contrast, Raymond F. Simon, corporation counsel for the City of Chicago, urged the justices to encourage police to use their judgment to head off "incipient riots."

No freedom is secure in a society torn with disorder, Simon said. Justice Hugo L. Black—who has challenged the notion that people have an unlimited right to demonstrate by the thousands—fought with Pat-

ner for seven minutes, carrying the lawyer beyond his allotted time.

He wanted to know if Patner was insisting that hundreds of marchers could keep circling the Mayor's home throughout the night, or if demonstrators could stake out the home of a Supreme Court justice for perpetual vigil.

Black asked rhetorically: "Is the state without power to regulate the use of its streets?" Justice Thurgood Marshall, on the other hand, hammered at Simon's presentation, ask-

ing whether the spectators who threw rocks and eggs and broke through police lines were guilty of disorderly conduct.

"If a group shows up with rocks and eggs, freedom of speech is over," Marshall noted.

Jockeying between the two positions, Justice Abe Fortas peppered both attorneys, suggesting there may be a necessary limit to the constitutionally protected right to demonstrate.

The Supreme Court took the case under study.