

Here Is Text Defining Limits to Free Speech for Marchers

Following is the text of Magistrate Arthur L. Dunne's statement on the issue of freedom of speech and assembly in convicting 13 Democratic national convention delegates and campaign staff workers of disorderly conduct yesterday:

"The right of free speech and assembly, while fundamental in our democratic society, does not mean that everyone with opinions or beliefs to express may do so at any public place at any time. The constitutional guarantee of liberty implies the existence of an organized society maintaining public order without which liberty itself would be lost in the excesses of anarchy.

Cites Dangers to Society

"The authority of government is not so trifling as to permit anyone with a complaint to have the vast power to do anything he pleases, whenever he pleases, and wherever he pleases. If this were true, our customs and our habits of conduct — social, political, economic, ethical and religious — would all be destroyed and become no more than relics of a gone, but-not-forgotten past.

"I firmly believe that our cities, and the residents of these cities, can be and must be protected by their government from noisy, chanting, shouting, marching, threaten-



Magistrate Arthur Dunne

ing picketers who, under the guise of free speech, hurl pieces of brick, stones and fireworks, bent on filling the minds of men and women and children who reside in our city, with fear and hysteria.

"In the case at bar, there is ample evidence that the totality of the circumstances in the city of Chicago and particularly in the vicinity of 18th and Michigan on the night of Aug. 29, 1968, did present a clear, imminent and present threat of violence to our community. Under these circumstances the authorities have the right, as well as the duty, to take action under ordinances enacted by the municipal authorities for the welfare and protection of the citizenry.

"The ordinance which the defendants are charged with violating is narrowly drawn in such a way as to avoid abridging the right of speech, assembly and petition. It is in

no sense a "meatax ordinance." It is also clear in this record that the Illinois national guard, as well as the Chicago police department, did make a determined and successful effort to permit the marchers to peacefully demonstrate and acted only in the interest of maintaining public order.

Order Not Maintained

"I do not believe that this group and its leaders did all in their power to maintain order. On the contrary, it appears that such efforts that were made were nothing more than a shallow pretense — no more than an empty gesture. [It is noteworthy that one of the defendants in this cause stated that he was a parade marshal with the responsibility of maintaining order, abandoning his duties, did remove his identifying armband, pressing to the forefront of the marchers, refusing to obey the lawful order given to him by a peace officer, ultimately being taken into custody.]

"It is readily apparent that this group, bent on airing emotional grievances, either imaginary or real, on the streets of our city, acted in such a fashion that the joint efforts of the Illinois national guard and of the Chicago police department were of no avail, resulting in the issuance both by personal contact and by means of amplifying devices, of an order to disperse—which was lawful in every sense.

"The defendants in this cause knowingly disobeyed this order and sought arrest, rather than obey the duly constituted and lawful authority of the community."

EX-CHICAGO POLISH CONSUL ASKS ASYLUM

[N. Y. Times-Chicago Tribune Service] New York, April 14—A Polish journalist, formerly consul in Detroit and vice consul in Chicago, today made known his decision to seek asylum in the United States after years of "doubts about the basic validity of communism."

The journalist, Zbigniew Byrski, 55, has been in New York with his wife on a six-month visitor's visa since January.

Byrski said he joined the Polish foreign ministry in 1947 and was assigned as vice consul in Chicago and then in 1950 as consul in Detroit before he returned to Poland. He finally decided against returning to

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