

Necessary Limits

As our readers well know, we believe that Mayor Daley could have justified a sterner line against street demonstrators than he took in his broadcast Friday evening. The controls on marches granted by Judge Cornelius J. Harrington in an injunction sought by the city administration are so obviously necessary that we fail to see how any but determined anarchists could criticize them, much less defy them. Yet the Rev. Martin Luther King has called them "unjust, illegal, and unconstitutional," and seems to have had difficulty in deciding to comply with them.

If King and any of the organizations or other individuals named with him in Judge Harrington's injunction want to contest the injunction, they can do so in the courts. Should they resort to the street without observing the restrictions imposed by the injunction, they would isolate themselves even more than they are now. They would have the city government among their adversaries, and would stimulate even more intense opposition from those against them and thin yet further the depleted numbers of those for them.

Any mayor and any police superintendent not only may but must invoke available

remedies against dangerous reductions in the police protection normally available. If foreseeable injury to persons and damage to property are to be avoided, simultaneous mass "marches," some of them after dark, under conditions known to exist now in Chicago, clearly require more police attention than can be supplied. A city government is charged with responsibility to minimize personal injury and property damage, as well as to avoid gratuitous or malicious interference with citizens' rights to assemble and to petition for redress of grievances.

When the forum is other than the street [or sidewalks], sufficient police power to maintain public order during a public controversy is not difficult to supply. With considerable trouble and expense, the Chicago police may be able to live with open-air demonstrations within the limits of Judge Harrington's injunction, but not beyond those limits. If advocates of "an open city," with maximum freedom from racial discrimination in housing, employment, etc., insist upon unlimited recourse to the streets [or sidewalks], they will be performing a disservice not only to the public as a whole but also to their own particular cause. And they will not overcome.