

CITIZENS AMICUS BRIEF IN
SUPPORT OF H. RAP BROWN'S APPEAL
FROM HIS BAIL RESTRICTIONS

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1967

Misc. No.

UNITED STATES OF AMERICA, ex rel.
H. RAP BROWN,

Relator - Petitioner,

V.

HON. RAYMOND FOGEL, City Sergeant,
Alexandria, Virginia,

Respondent.

We, black and white citizens of the United States, herewith respectfully request the Supreme Court of the United States to expedite its consideration of the petition of H. Rap Brown for a writ of certiorari to the United States Court of Appeals for the Fourth Circuit and, upon such consideration, to grant said petition.

As we understand it, the United States District Court for the Eastern District of Virginia, Richmond Division, imposed upon Mr. Brown, as a condition of his release on bond, the restriction that he could not leave the eleven counties of the Southern District of New York, the district in which the office of William M. Kunstler, one of his attorneys, is located, except in connection with litigation in which he was involved. Because of this restriction on his travel, Mr. Brown has been prevented from fulfilling many speaking engagements, both in the United States and abroad, and will be unable to meet similar commitments in the future.

In imposing this condition, the federal judge indicated that Mr. Brown was "not going anywhere to make speeches because he is going to have to stay in Mr. Kunstler's district except when going to and from trial and going to the defense of these matters."

The inability of Mr. Brown to fulfill his speaking engagements constitutes a subtle but potent threat to the free speech of every American. If he can be imprisoned in a geographical area from which he cannot emerge to articulate his views

and those of the Student Nonviolent Coordinating Committee, whose national chairman he is, then bail is being effectively used to silence both him and his organization. While there may be many people who disagree with the views propounded by Mr. Brown, it is not in the American tradition to squelch them by conditioning his release on bond on his silence.

The Student Nonviolent Coordinating Committee cannot afford to obtain national television and radio time for the expression of its views. It must depend on their articulation by Mr. Brown's ability to obtain and fulfill speaking engagements throughout the United States and, in particular, at the many colleges and universities that are eager to provide forums for him. Since the travel restrictions were imposed upon him he has had to cancel such engagements at such institutions as Colgate University, Oxford University and the University of California at Los Angeles (UCLA).

We call upon the Supreme Court of the United States as the ultimate guardian of the First Amendment to consider his petition for a writ of certiorari promptly and upon such consideration to set aside the restriction on his right to travel. Only by such action will the rights of all American citizens be protected and the voice of dissent kept alive in the land.

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PLEASE RETURN THIS PETITION TO: SNCC, 100 Fifth Avenue, Room 803, New York, New York 10011.

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