

ROBB LAW FIRM, PLLC

Attorney at Law

220 W. Stephenson St.
Harrison, Arkansas 72601
Telephone (870) 743-2215

email: jasonrobb@windstream.net

Mailing Address: P.O. Box 422
Harrison, Arkansas 72602
Fax: (870) 743-1878

February 16, 2017

Jim Plowman
Commonwealth Attorney
20 E. Market Street
Mailstop # 34
Leesburg, VA 20176

Loudon County Sheriff's Office
Sheriff Michael Chapman
Detective Joseph Hacay
P.O. Box 7200
Leesburg, VA 20177-7200

Gregory Brown
Leesburg Police Chief
65 Plaza Street, N.E.
Leesburg, Virginia 20176

Dear Mr. Plowman, Sheriff Michael Chapman, Detective Joseph Hacay and Police Chief Gregory Brown:

My name is Jason Robb and I am Chief Counsel for the Knights Party Committee, (herein after, "The Knights"). Nationwide, my client has associates and non-associates alike who engage in literature distribution, including Virginia. Like many others, my client is concerned about numerous issues that are affecting America, such as, but not limited to: abortion, state sovereignty, fiscal responsibility, massive immigration, and destruction of our Western culture. Literature published by my client is available from the national office or downloaded from their website.

It has come to my attention that a recent literature distribution of some type of "KKK" literature took place in Loudoun County, Virginia and the surrounding areas. I'm not aware if this particular literature distribution was distributed by my clients. However, we are disturbed of what actions are being taken by the Loudon County Sheriff's Office as well as by the Leesburg Police Department. I'm enclosing a copy of the "press release" and the letter from Police Chief Gregory Brown. It is my hope that the both the sheriff's office as well as the police department are aware of this protected right of individuals under the First Amendment of the United States Constitution to distribute literature in such manner. The purpose of this letter is to ensure that the Constitutionally protected rights that individuals have in distribution of literature associated with The Knights or any other organization are not infringed.

The United States Supreme Court has held that citizens have a "guaranteed access" to streets,

parks, and other “traditional public forums.” *Hague v. C.I.O.*, 307 U.S. 496 (1939). And as a result, the Court treats restriction on expression of a particular point of view as paradigm violation of the First Amendment. See, *R.A.V. v. City of St. Paul*, 505 U.S. 377 (1992), *Kingsley Int’l Pictures Corp. v. Regents*, 360 U.S. 684 (1959), *American Booksellers Ass’n v. Hudnut*, 771 F.2d 323 (7th Cir. 1985; aff’d mem., 475 U.S. 1001 (1986)).

The police cannot arrest individuals or detain individuals for distributing literature simply because it may offend some readers. *Cantwell v. Connecticut*, 310 U.S. 296 (1940). *Kunz v. New York*, 340 U.S. 290 (1951), *Forsyth County v. The Nationalist Movement*, 112 S.Ct. 2395 (1992). Hecklers or members of the community may not be allowed to veto a speaker’s rights of free speech. *Cox v. Louisiana*, 379 U.S. 536 (1965), *Gregory v. City of Chicago*, 394 U.S. 111 (1969). Distributing literature is a Constitutionally protected right and cannot be prohibited simply because a city or local government does not believe in the content of the literature. See, *Schneider v. State*, 308 U.S. 147 (1939).

The United States Supreme Court has repeatedly emphasized that the First Amendment protects the freedom of persons to leaflet and hand out flyers. In *Lovell v. City of Griffin, Ga.*, 303 U.S. 444 (1938), the Court found that an ordinance that prohibited the distribution of circulars or other literature without written permission of local authorities violated the First Amendment. “We think that the ordinance is invalid on its face. Whatever the motive which induced its adoption, its character is such that it strikes at the very foundation of the freedom of the press.” *Id.* at 451. The Court stressed that “[t]he liberty of the press is not confined to newspapers and periodicals. It necessarily embraces pamphlets and leaflets. These indeed have been historic weapons in the defense of liberty.” *Id.* at 452. The Court also emphasized that the First Amendment interest protected not just the writing and publishing of information, but its distribution as well. “The ordinance cannot be saved because it relates to distribution and not to publication. ‘Liberty of circulating is as essential to that freedom as liberty of publishing; indeed, without the circulation, the publication would be of little value.’” *Id.* (quoting *Ex Parte Jackson*, 96 U.S. 727, 733 (1877)). The Supreme Court continued to emphasize the First Amendment protection attending literature distribution in *Schneider v. New Jersey*, 308 U.S. 147 (1939), where the Court addressed a number of municipalities’ ordinances that attempted to prohibit or regulate the distribution of handbills or other printed matter. The attempted regulation was found to be void. *Id.* at 165. “This court has characterized the freedom of speech and that of the press as fundamental personal rights and liberties. The phrase is not an empty one and was not lightly used. It reflects the belief of the framers of the Constitution that exercise of the rights lies at the foundation of free government by free men.” *Id.* at 161. In *Martin v. City of Struthers, Ohio*, 319 U.S. 141 (1943), in the course of finding an ordinance to be unconstitutional that prohibited persons from knocking on residential doors for the purpose of giving the residents flyers, the Court stated that “[f]reedom to distribute information to every citizen whether he desires to receive it is so clearly vital to the preservation of a free society that, putting aside reasonable police and health regulations of time and manner of distribution, it must be fully preserved.” *Id.* at 146-47. The ordinance, therefore “is invalid because in conflict with the freedom of speech and press.” *Id.* at 149. In 2002, the Supreme Court addressed an ordinance that mandated registration with local government before a religious group could go door-to-door. *Watchtower Bible and Tract Society of New York, Inc. v. Village of Stratton*, 536 U.S. 150 (2002). The Court, in finding that the ordinance violated the First Amendment, reemphasized “that ‘[d]oor to door distribution of circulars is essential to the poorly financed causes of little people.’” *Id.* at 162 (quoting *Martin*, 319 U.S. at 145).

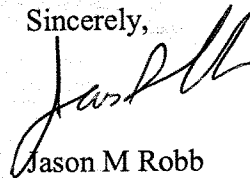
The object of keeping the streets clean does not outweigh the right to distribute literature in public. See, *Schneider v. State*, 308 U.S. 147 (1939). Time, place, and manner regulations on literature

distribution or solicitation in public places must be content neutral and authorities may not exercise discretion. *See, Heffron v. ISKCON* (Krishna Society), 452 U.S. 640 (1981).

In the past, a city may attempt to investigate the matter or try to arrest individuals who are simply engaging in this Constitutionally protected activity of literature distribution. This is a clear violation of established federal law. Likewise attempts to sell "permits" or in other ways attempt to force individuals to obtain "permission" or by other means to regulate this fundamental right has been prohibited by the courts. I also want to point out that public statements to the media or other individuals by you or representatives of the county or city regarding the possible illegality of such activity have been viewed by the courts as placing a chill on the First Amendment and are therefore, again, determined to be unconstitutional and overstepping the limits of government.

I am confident your county and city attorney are well aware of these constitutional issues and can, accordingly, give proper counsel. However, I am concerned, based on recent statements to the media, about the safety of this Constitutionally protected activity in which my client or others may choose to engage. Our clients have had their protected activities upheld in various state and federal courts and the actions by both the county and city are clearly against sound Constitutional law. My staff and I are committed to ensure that my client and others who may wish to engage in literature distribution can do so without fear of arrest or detainment and we are prepared to vigorously defend those rights in the courts.

Sincerely,



Jason M Robb
Attorney at Law

jmr/sp

CONNECT WITH US:



LOUDOUN COUNTY



SHERIFF'S OFFICE



- REPORT A CRIME
- CITIZEN FEEDBACK
- VICTIM SERVICES
- CAREERS
- OFFICE LOCATIONS
- SERVICES & PROGRAMS

Search



ALERT LOUDOUN

Engage your community - connect to news, events and information you care about. [View more information...](#)

[Home](#) > News Flash

Home

Posted on: February 11, 2018

FOR IMMEDIATE RELEASE
February 11, 2018

Contact:
Kraig Troxell, Public Information Officer, 703-771-5278
Kraig.Troxell@loudoun.gov

Alex Kowalski, Public Information Officer, 703-777-0625
Aleksandra.Kowalski@loudoun.gov

KKK Fliers are Located Across Loudoun Communities

Loudoun County- The Loudoun County Sheriff's Office (LCSO) and the Leesburg Police Department (LPD) are working together to investigate the origins of Ku Klux Klan (KKK) recruitment fliers found by Loudoun residents this weekend.

Yesterday evening, Leesburg Police responded to couple reports of KKK material located in a plastic baggies at the bottom of driveways within the town limits.

Shortly after 9:38 a.m. this morning, the LCSO was notified that KKK propaganda fliers, two containing a CD, were located in driveways in the area of 39000 Block of Catocin Ridge Street in Paeonian Springs.

At 10:56 a.m., residents notified the LCSO that more KKK propaganda fliers were located on various streets of the New Town Meadows community in the Town of Lovettsville. The fliers were located alongside driveways, near mailboxes and on sidewalks in the community.

All of the fliers were placed in plastic bags containing birdseed and there is no indication any of the households who received the fliers were targeted. Some fliers were similar to previously reported incidents during the weekend of January 13-15, 2018.

Anyone with any information regarding these cases or with possible surveillance video, are asked to contact Detective Joseph Hacay at 703-777-0475. You may also submit a tip through the Loudoun County Sheriff's Office app. The Loudoun Sheriff app is available on the iTunes App Store and Google Play.

###



← Previous

Next →

Search

Sign In



Tools

RSS

Categories

- All Categories
- Home

Divisions

Cold Case Initiative

Forms

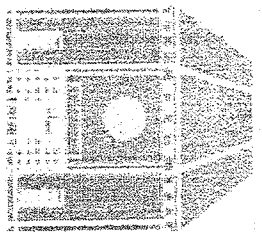
Media Relations

Mission Statement

Public Safety Messages

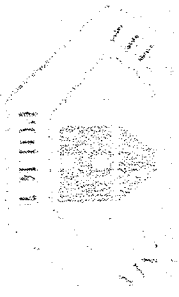
Special Events Planning

Traffic Incident Map



Leesburg, Virginia

11111 GOLF COURSE DRIVE • LEESBURG, VA 22079 • 703.331.1111 • www.leesburgva.gov



11111 GOLF COURSE DRIVE

February 15, 2018

The Leesburg Police Department joins with members of our community in finding the distribution of literature and propaganda for the sole purpose of sowing division within the Leesburg community to be disturbing and unsettling.

The initial and subsequent investigations have revealed that the distributions were random and no specific homes were targeted. The Leesburg Police Department and our law enforcement partners are closely monitoring these occurrences, and at this time have not identified any apparent criminal threats to the community. If our on-going investigations determine that criminal offenses have occurred, the appropriate steps will be taken.

As members of the Leesburg community, we understand and share the concerns of all Leesburg residents. We strongly condemn any actions and behavior that disrupt the peace, unity, and tranquility we enjoy daily. Those who have been affected personally by these incidents should not hesitate to contact us if they have questions or concerns.

Gregory C. Brown
Chief of Police