

THREAT TO NIXON LAID TO PANTHER

But Inquiry Is Not Expected
to Result in Charges

The Secret Service is investigating an alleged threat on the life of President Nixon by one of the 13 Black Panthers awaiting trial here on bombing conspiracy charges, but the inquiry will probably not result in the filing of charges, a Justice Department source said yesterday.

The investigation was said to have been set off by a speech made Wednesday by Richard Moore, a 25-year-old Panther who was released in \$100,000 bail on March 26 after nearly a year's pretrial imprisonment.

The basis for the Federal inquiry is a disputed statute—which has been on the books since the turn of the century—that makes any threat to the President's life a crime, whether or not there is an intention to carry it out, but leaves to the Government the decision whether to bring charges.

Asked about the speech, Mr. Moore, who is also known as Anayle Dahruba, said he had told a group of two or three hundred people near New York University, "We will kill anyone that stands in the way of our individual freedom, and including President Nixon."

"If they want to bust me, let 'em," Mr. Moore said; and his lawyer, Gerald Lefcourt, said yesterday that he had called the Secret Service office in New York and offered to produce Mr. Moore wherever the authorities wanted him if they bring charges.

The maximum punishment for threatening the life of the President is a fine of \$1,000 and a prison term of five years. Few offenders get that much.

A Supreme Court decision last year upheld the law but cautioned that it could not be

used to suppress "political hyperbole"—statements in the heat of argument that sound threatening but do not really threaten.

The effect of the ruling was to open the law to further questioning and judicial interpretation.

Last fall, in the case of a man who had written such a threat in a letter to The New York Times, Federal Judge Constance Baker Motley told a jury here that, in such a case, "you must find that the defendant had an actual intent at the time he wrote the letter to kill or injure."

David Hilliard, chief of staff of the Black Panther party, is under indictment in California for making a threat like the one Mr. Moore says he made. He contends it was "political rhetoric," and has challenged the law in the Federal court in San Francisco.

The Secret Service, the agency assigned to protect the President, reported yesterday that in the year that ended last June it had made 337 arrests, with 269 convictions, mostly for threats against high elective officials.

Most of the people who make such threats, according to both Federal prosecutors and lawyers who become involved in the cases in the Federal court here, are people with problems—mental illness, alcoholism, or instability. Their threats may be empty ones, but they still can be prosecuted under the law.

Court clerks could not say yesterday how many such cases there were in the Federal court here now, but there have been at least seven in the last year. Last Wednesday an 18-year-old New Jersey youth, Jefferey E. Pardo, was charged with making a threat in a letter to the President.

Of the seven known cases, four are pending—one man arrested Feb. 11 is still in jail in lieu of \$5,000 bail; two were acquitted after trial; the complaint against another was dismissed; and the only one convicted was put on three years' probation, and ordered to seek treatment for alcoholism.