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# Four-Letter Word Vulgar But Legal

WASHINGTON, (UPI).—The Supreme Court ruled Monday that display of a common four-letter vulgarity favored by antiwar demonstrators is constitutionally protected speech and may not be made a criminal offense.

Addressing itself for the first time to the use of the word, the court voted 5 to 4 to overturn the conviction of a man for wearing a jacket with the words "---- the draft" on it in a corridor of the Los Angeles courthouse.



Justice Harlan

Justice John M. Harlan said in the majority opinion:

"While the particular four-letter word being litigated here is perhaps more distasteful than most others of its genre, it is nevertheless often true that one man's vulgarity is another's lyric."

He was joined by Justice William O. Douglas, William J. Brennan, Potter Stewart and Thurgood Marshall. Justice Harry A. Blackmun dissented, joined by Chief Justice Warren E. Burger and Justice Hugo L. Black. Justice Byron R. White dissented in part.

The word at issue was printed in a summary of the court's written opinion and in the opinion itself. Harlan did not use it, however, when he delivered his opinion orally from the bench.

Paul Robert Cohen, arrested in the courthouse corridor while wearing the jacket was sentenced to 30 days on a charge of engaging in "tumultuous and offensive conduct."

The 7th Circuit Court of Appeals affirmed his conviction, ruling that "offensive conduct" means "behavior which has a tendency to provoke others to acts of violence or in turn to disturb the peace."

Harlan said the lower court's argument "amounts to little more than self-defeating proposition that to avoid physical censorship of one who has not sought to provoke such a response by a hypothetical coterie of the violent and lawless, the states may more appropriately effectuate that censorship themselves.

"We cannot indulge the facile assumption that one can forbid particular words without also running a substantial risk of suppressing ideas in the process," Harlan said.

"It is . . . our judgment that, absent a more particularized and compelling reason for its actions, the state may not, consistent with the First and 14th Amendments, make the simple public display here involved of this single four-letter expletive a criminal offense," he said.

Blackmun dissented on grounds that Cohen's "absurd and immature antic" was mainly conduct and little speech. He thought the court's "agonizing over First Amendment values seems misplaced and unnecessary."

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→ The 2 Nixon appointees dissented. What a frightening disregard for the first amendment. Whether you like the word or not, the gov't has no right to make a law against it.