

Curb on Threats to President Backed, but Suspect Is Freed

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WASHINGTON, April 21 (AP)—The Supreme Court upheld today a Federal law that makes it a crime to threaten the life of the President or Vice President.

At the same time the Court cautioned that the law could not be used to suppress "political hyperbole" and said that prosecutors must prove the existence of a real threat of physical violence. It upset a conviction that had been made under the law.

The ruling was given on an appeal by Robert Watts, a 21-year-old New Yorker who had been convicted for declaring that if he were forced to enter the Army and to carry a rifle "the first man I want to get in my sights is L.B.J."

This was taken by a Federal court in the District of Columbia to constitute an unlawful threat on the life of President Johnson, and Mr. Watts was given a four-year suspended sentence.

The Supreme Court, ruling for the first time on the law, decided without holding a hearing that the law was valid. But on a 5-to-4 vote it ruled that Mr. Watts had not really

been threatening President Johnson and it set aside his conviction.

Mr. Watts's remarks were made while he attended a meeting of W.E.B. Du Bois Clubs on the Washington Monument grounds in August, 1966.

The Court's ruling was unsigned. The five members who combined to upset the conviction were Chief Justice Earl Warren and Associate Justices Hugo L. Black, William O. Douglas, William J. Brennan Jr. and Thurgood Marshall.

Their opinion said: "The nation undoubtedly has a valid, even an overwhelming interest in protecting the safety of its Chief Executive and in allowing him to perform his duties without interference from threats of physical violence.

"Nevertheless, a statute such as this one, which makes criminal a form of pure speech, must be interpreted with the commands of the First Amendment clearly in mind. What is a threat must be distinguished from what is constitutionally protected speech."

Justices John M. Harlan, Potter Stewart, Byron R. White and Abe Fortas dissented.