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**Conviction
 On Threat
 Is Reversed**

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The Supreme Court yesterday avoided a definitive ruling on the amount of evidence that is required to convict a person of threatening the life of the President of the United States.

After hearing oral arguments in a case that might have clarified the legal issue, the court decided to reverse the conviction of a Shreveport, La., man because of the way the trial judge handled an inquiry from the jury during its deliberations.

Two justices, Thurgood Marshall and William O. Douglas, voted to face the far-reaching legal issue, saying the prevailing legal interpretation permits conviction "for a merely crude or careless expression of political enmity" toward a President.

A 1917 federal law makes it a crime punishable by a five-year prison sentence to threaten "to take the life or to inflict bodily harm upon the President." The Justice Department contends that it need not prove that the defendant actually intended to be taken seriously or to carry out the threat.

Marshall and Douglas, concurring in the unanimous reversal of the conviction of 34-year-old George H. Rogers, said the court should require proof "that the speaker intended his statement to be taken as a threat, even if he had no intention of actually carrying it out."

Rogers, an unemployed carpenter and an alcoholic, shouted in a motel coffee shop that he was going to Washington to kill former President Nixon "in order to save the United States" from making friends with China in 1972.

Defense attorneys claimed that Rogers' rantings were not the sort of threat the law was designed to protect against. The Justice Department insisted that the threat was dangerous and punishable because a reasonable person hearing it could conclude that the accused seemed determined to carry it out. Such a threat "commands immediate attention" from those assigned to protect the President, the government said.

After the court agreed to hear the Rogers case, U.S. Solicitor General Robert H. Bork disclosed a flaw in the record.

U.S. District Court Judge Benjamin C. Dawkins Jr. had failed to consult with the defense counsel before responding to a note from the jury during its deliberations. Bork told the court. The court, in an opinion by Chief Justice Warren E. Burger, said this required setting aside the conviction.