The cases are not clear as to what extent the police must go in protecting the speaker against hostile audience reaction or whether only actual disorder or a clear and present danger of disorder will entitle the authorities to terminate the speech or other expressive conduct.[1185] Nor, in the absence of incitement to illegal action, may government punish mere expression or proscribe ideas,[1186] regardless of the trifling or annoying caliber of the expression.[1187]

Threats of Violence Against Individuals.—The Supreme Court has cited three "reasons why threats of violence are outside the First Amendment": "protecting individuals from the fear of violence, from the disruption that fear engenders, and from the possibility that the threatened violence will occur."[1188] In *Watts v. United States*, however, the Court held that only "true" threats are outside the First Amendment.[1189] The defendant in *Watts*, at a public rally at which he was expressing his opposition to the military draft, said, "If they ever make me carry a rifle, the first man I want to get in my sights is L.B.J."[1190] He was convicted of violating a federal statute that prohibited "any threat to take the life of or to inflict bodily harm upon the President of the United States." The Supreme Court reversed. Interpreting the statute "with the commands of the First Amendment clearly in mind,"[1191] it found that the defendant had not made a "true 'threat,'" but had indulged in mere "political hyperbole."[1192]

[1185] The principle actually predates *Feiner*. *See* Cantwell v. Connecticut, 310 U.S. 296 (1940); Terminiello v. Chicago, 337 U.S. 1 (1949). For subsequent application, *see* Edwards v. South Carolina, 372 U.S. 229 (1963); Cox v. Louisiana, 379 U.S. 536 (1965); Brown v. Louisiana, 383 U.S. 131 (1966); Gregory v. City of Chicago, 394 U.S. 111 (1969); Bachellar v. Maryland, 397 U.S. 564 (1970). Significant is Justice Harlan's statement of the principle reflected by *Feiner*. "Nor do we have here an instance of the exercise of the State's police power to prevent a speaker from intentionally provoking a given group to hostile reaction. Cf. Feiner v. New York, 340 U.S. 315 (1951)." Cohen v. California, 403 U.S. 15, 20 (1970).

[1186] Cohen v. California, 403 U.S. 15 (1971); Bachellar v. Maryland, 397 U.S. 564 (1970); Street v. New York, 394 U.S. 576 (1969); Schacht v. United States, 398 U.S. 58 (1970); Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495 (1952); Kingsley Pictures Corp. v. Regents, 360 U.S. 684 (1959); Stromberg v. California, 283 U.S. 359 (1931).

[1187] Coates v. City of Cincinnati, 402 U.S. 611 (1971); Cohen v. California, 403 U.S. 15 (1971); Gooding v. Wilson, 405 U.S. 518 (1972).

[1188] R.A.V. v. City of St. Paul, 505 U.S. 377, 388 (1992).

[1189] 394 U.S. 705, 708 (1969) (per curiam).

[1190] 394 U.S. at 706.

[1191] 394 U.S. at 707.

[1192] 394 U.S. at 708. In Virginia v. Black, 538 U.S. 343, 359 (2003), the Court, citing *Watts*, upheld a statute that outlawed cross burnings done with the intent to intimidate. A cross burning done as "a statement of ideology, a symbol of group solidarity," or "in movies such as Mississippi Burning," however, would be protected speech. Id. at 365–366.