**O29**

**Threats Against the President**

**18 U.S.C. § 871**

It’s a Federal crime to knowingly and willfully make a threat to injure or kill the President of the United States.

The Defendant can be found guilty of this crime only if all the following facts are proved beyond a reasonable doubt:

the Defendant [mailed] [wrote] [said] the words alleged to be the threat against the President;

the Defendant understood and meant the words as a true threat; and

the Defendant knowingly and willfully [mailed] [wrote] [said] the words.

A “threat” is a statement expressing an intention to kill or injure the President.

A “true threat” is a serious threat – not idle talk, a careless remark, or something said jokingly – that is made under circumstances that would lead a reasonable person to believe that the Defendant intended to injure or kill the President.

The heart of the crime is knowingly and willfully making a true threat. If the Government proves beyond a reasonable doubt that the Defendant knowingly made a true threat against the President, and intended others to understand it as a serious threat, then the crime is complete. The Government doesn’t have to prove that the Defendant intended to carry out the threat.