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THE WHITE HOUSE

WASHINGTON

January 2, 1975

MEMORANDUM FOR:

Ina Garten

FROM:

Bill Casselman *BC*

Referencing your request for comments on Treasury's letter re H. R. 15505 and H. R. 15979 which would require reimbursement of state and local law enforcement agencies for assistance provided at the request of the Secret Service, my office has no objection to this letter.

It is quite clear that while these two bills as well as H. R. 11499 deal with the general issue of reimbursement by the Secret Service, the issues are in fact totally different. With respect to reimbursement by the Secret Service to other Federal agencies, this is merely a bookkeeping issue that does not involve increased Federal expenditures. On the other hand, reimbursement to state and local agencies would reflect new Federal expenditures, as well as a departure from longstanding Federal policy that there be no direct reimbursement for such police and related services. At least in certain instances LEAA grants would be available to assist local governments that continually are faced with requests from the Secret Service.

It is recommended that the major thrust of the Administration's position be based on the primary role of state and local governments in the protection of persons as well as property, and on the essential difference between reimbursement at the Federal level and at state and local levels. To the extent Treasury can continue to backup these arguments with hard numbers, their position will be enhanced.

cc: Phil Buchen ✓
Phil Areeda
Ken Lazarus



Thursday 1/9/75

9:35 When we started receiving copies of EPS Security Reports of violations, I checked with Skip Williams (9/30) and asked if something should be done in connection therewith.

He said they just keep them in a file -- nothing to be done unless it is a continuing thing with an individual.

I checked with Barry this morning to see if this procedure is still effective, and he suggested it would probably be in Jay's area -- and perhaps I could send our file on this to Jay.

If you agree, I will do so. That way he can keep a check on anything that should come to your attention.



*Protection
EPS*

Thursday 1/9/75

11:00 Jay called concerning the EPS protection for the Jackson Place home of the CIA Commission.

He has talked with the Legal Counsel of the Secret Service and he (the Legal Counsel) after further review --- [without any pressure whatsoever from Jay, he says] volunteered the fact that because this is going to be the Vice President's office he has informed Mr. Knight that it is absolutely permissible for EPS to protect the building.

So, Jay is informing everyone to get the place prepared for the first meeting on Monday morning.

Wanted you to know that we (the Counsel's office) is directing this but only because EPS and Secret Service lawyer feels confident that they have the right to do it.

((for background, he told me that we were all prepared to tell EPS to get over and prepare the thing; Secret Service has some problems. They don't feel they have authority to do it. Jay has looked at it from several different ways. Secret Service has done a complete turnaround ---- they now conclude after looking over the history, Congressional statutes, etc., that they could and should be there to protect the Vice President since he is the Chairman of the Commission.)))

12:50 Jay called back to ask if you had any comment on the above message -- has already got things in motion.



THE WHITE HOUSE

WASHINGTON

January 13, 1975

MEMORANDUM FOR: PHILIP W. BUCHEN

FROM: THE PRESIDENT

You are requested to inform the Chief of the Executive Protective Service that he (or the person acting in that capacity) or, in his absence, the senior officer of the Executive Protective Service on duty, is hereby designated as the person lawfully in charge of the Executive Mansion and grounds, and any other building in which the White House offices are located, for the purposes of Section 3102 of Title 22 of the Code of Laws of the District of Columbia.

Herold R. Ford



*Secret
Service*

January 22, 1975

MEMORANDUM FOR:

**Robert R. Snow
Special Agent in Charge
Technical Security Division
The White House**

In order to facilitate delivery of papers coming from the Justice Department so that they can be delivered directly to my office, I would like to have Alan Cary Stancil cleared to come into the White House as the need arises.

Attached is a completed form, which was filled out by the office of Carla Hills, Assistant Attorney General, Civil Division, Department of Justice.

**Philip W. Buchen
Counsel to the President**

Attachment

EDaughtrey



THE WHITE HOUSE
WASHINGTON

11/14/74

Wa.

Per our conversation,
attached are 55 security
forms to be filled out
by Mr. Stancil & returned
to Secret Service.

Thank you

Kathryn

2345

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FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
Personnel Document	The following item is restricted upon rereview under NARA IG 1600-1: U.S. Secret Service Technical Security Division (1 p)	ND	

FILE LOCATION

Phillip Buchen Files; Box 58
Protection - Responsibilities of the Secret Service & EPS (2)

dal 1/7/02

RESTRICTION CODES

- (A) Closed by Executive Order 12356 governing access to national security information.
- (B) Closed by statute or by the agency which originated the document.
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Thursday 11/14/74

3:30 Beverly Posey in Carla Hills' office called to clear a messenger to bring an envelope to Mr. Buchen. Asked if there might be a way they could get a clearance and use the same messenger so he could bring the material into the White House rather than drop the material at the S. W. gate and have a messenger go down to pick it up.

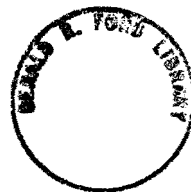
Talked with Jane Dannenhauer; she will send the form 55 to be filled out and sent to the Secret Service.

Suggests we get the form filled out by the messenger (courier) and then Mr. Buchen should write a memo (just a short one) saying that we need to save time and get the papers delivered directly -- and would like to have this courier cleared to deliver those papers directly to Mr. Buchen.

Memo to be written to Mr. Snow in Rm. 23 EOB.

Alan Stancil is the courier -- Dept. of Justice ID 9699 -- issued 7/26/63.

Form completed by Carla Hills' office.



Policy
FPS
THE WHITE HOUSE
WASHINGTON

January 23, 1975

MEMORANDUM FOR

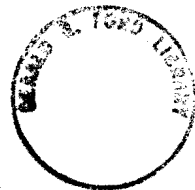
Mr. Clinton T. Hill, Assistant Director
Protective Forces

1. By this memorandum I approve the existing procedures for handling petitions presented at entrances to the White House complex, as set forth in the attached memorandum from you to Chief Quimby, dated January 15, 1973.
2. In the event these procedures are exhausted without success, you are requested to contact the White House Counsel's office to discuss the advisability of having a member of this staff accept the petition.

P.W.B.

Philip W. Buchen
Counsel to the President

Enclosure



Memorandum

TO : Chief Quimby - Executive Protective Service *L* DATE: January 15, 1973

FROM : AD Hill - Protective Forces

SUBJECT: Petitions Presented at Entrances to White House Complex

Effective immediately, the following procedures, in the order indicated, should be followed concerning any person(s) appearing at entrances to the White House Complex and attempting to present a petition to the President, First Family, members of the staff, etc.:

1. Send the person(s) to the White House Mailroom with petition or ask them to mail it to the White House.
2. If the above procedure is not followed by person(s) presenting petition, accept petition and advise person(s) that it will be forwarded to the appropriate official.
3. Furnish Intelligence Division with details of activity of person(s) presenting petition and if a petition was received, determine if Intelligence Division wants the petition or desires it to be furnished to the White House Mailroom.
4. One copy of the petition will be furnished to Mr. John Dean's office, Room 106, OEOB, for information purposes. Date and time petition was received will be indicated on Mr. Dean's copy.

Clinton J. Hill
Clinton J. Hill
Assistant Director
Protective Forces

cc: AD Kelley - PI
SAIC Towns - ID
SAIC Sims - TSD
SAIC McLeod - Liaison
SAIC Taylor - PPD
SAIC Sulliman - VPPD



THE WHITE HOUSE

WASHINGTON

January 21, 1975

MEMORANDUM FOR: PHILIP W. BUCHEN
FROM: JAY T. FRENCH
SUBJECT: PROCEDURE FOR HANDLING
- PETITIONS

The Secret Service has asked for your comments concerning existing guidelines (see attached memos in Tab A) for handling petitions presented at entrances to the White House complex.

Presently two steps are followed in sequence:

- (a) Petitioners are requested to leave the document at the White House mailroom in the O. E. O. B., and if they refuse to do this,
- (b) EPS officers at the gate may accept the petition.

The memorandums do not state a third course of action which has been followed when (a) and (b) are exhausted: An attorney on the Counsel's staff has accepted the petition.

I recommend that you approve these present guidelines and formalize the third course of action as an alternative by forwarding the attached memorandum in Tab B.



September 13, 1974

MEMORANDUM

To : Honorable Philip W. Buchen
Counsel to the President
The White House

From : Mr. Clinton J. Hill
Assistant Director
Protective Forces

Subject : Petitions Presented at Entrance to the
White House Complex

In order to update our files regarding procedures pursuant to petitions presented at Entrances to the White House Complex, I have attached a copy of said procedures for your information. Your concurrence and/or comments regarding this matter is requested with the name of the appropriate individual assigned to your office where delivery of a copy of this petition may be effected. Your cooperation in this matter is solicited in order to insure prompt and efficient handling of the matter should it arise.



Clinton J. Hill

Attachment: a/s

CJH:JS:jd

✓ cc: Mr. Jay French
(Sent 1/14/75)



Memorandum

U.S. SECRET SERVICE
600.0 (EPS)

TO : Chief Quimby - Executive Protective Service *L* DATE: January 15, 1973

FROM : AD Hill - Protective Forces

SUBJECT: Petitions Presented at Entrances to White House Complex

Effective immediately, the following procedures, in the order indicated, should be followed concerning any person(s) appearing at entrances to the White House Complex and attempting to present a petition to the President, First Family, members of the staff, etc.:

1. Send the person(s) to the White House Mailroom with petition or ask them to mail it to the White House.
2. If the above procedure is not followed by person(s) presenting petition, accept petition and advise person(s) that it will be forwarded to the appropriate official.
3. Furnish Intelligence Division with details of activity of person(s) presenting petition and if a petition was received, determine if Intelligence Division wants the petition or desires it to be furnished to the White House Mailroom.
4. One copy of the petition will be furnished to Mr. John Dean's office, Room 106, OEOB, for information purposes. Date and time petition was received will be indicated on Mr. Dean's copy.

Clinton J. Hill
Clinton J. Hill
Assistant Director
Protective Forces

cc: AD Kelley - PI
SAIC Towns - ID
SAIC Sims - TSD
SAIC McLeod - Liaison
SAIC Taylor - PPD
SAIC Sulliman - VPPD



MEMO: TO THE FORCE
(White House Division)

SUBJECT: Petitions Presented at
Entrances to White House
Complex

June 20, 1973 - No. 73-11

Effective immediately, the following procedures, in the order indicated, should be followed concerning any person(s) appearing at entrances to the White House Complex attempting to present a petition to the President, First Family, members of the Staff, etc.:

1. Send the person(s) to the White House Mailroom with the petition or ask them to mail it to the White House. (The Watch Commander will be notified of this action or any activity surrounding the presentation of any petition.)
2. If the above procedure is not followed by person(s) presenting the petition, accept petition and advise person(s) that it will be forwarded to the appropriate official. If the petition is accepted, the Watch Commander will be notified and will make the following distribution of the petition:
 - a. Send copy to President's Legal Counsel.
 - b. Send copy to the Chief, EPS.
 - c. Send the original petition to the Mailroom.
 - d. Send copy to the Inspector, White House Division.

The date and time the petition was received will be indicated on all copies of the petition.

3. The Watch Commander will furnish the Secret Service Intelligence Division (ID) with detailed activity reports by phone of person(s) presenting petition and if a petition was received, he will determine if the Intelligence Division wants the petition or a copy, or desires that the original petition be furnished to the White House Mailroom.

THIS MEMORANDUM CANCELS PERMANENT MEMORANDUM NO. 73-02, DATED 1-16-73.

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SERVICES ✓	D-1 ✓
WATCH CMDR - WH ✓	G-2 ✓
WATCH CMDR - FM ✓	T/A SECTION ✓
AD (FF) ✓	G-9 ✓
SAIC - EPS ✓	CONTROL CENTER - WH ✓
TRNG. DIV. 2	PCSTS 6-1-A-4 ✓

Earl L. Drescher
Earl L. Drescher
Chief
Executive Protective Service



ELD:CWH:tlt

THE WHITE HOUSE

WASHINGTON

February 6, 1975

*File
Secret
Service*

MEMORANDUM FOR:

PHILIP BUCHEN

FROM:

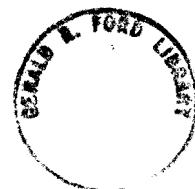
JAY FRENCH

You inquired whether GAO is legally correct in concluding that Secretary Simon is not authorized by law to have Secret Service protection of his person. See attached news article in Tab A.

There is no statutory authority for such protection. See 18 U.S.C.A. § 3056 in Tab B. However, there is constitutional authority that the President may direct protection when a danger exists. Also, the Secretary of the Treasury has directed protection missions under his executive management authority as a department head.

Section 3, Article 2, of the Constitution provides that the President "shall take care that the laws be faithfully executed." The U.S. Supreme Court has interpreted this phrase as authority for the President to direct protection for a Federal official in certain instances. In re Neagle, 135 U.S. 1 (1890). In that case the Court upheld a Presidential order, under this broad constitutional authority, directing a Federal marshal to protect a judge, who, while in the discharge of his duties was personally threatened and assaulted. There is no showing that the President has directed protection for Secretary Simon.

The Treasury Department has taken the position that the Secretary may direct the deployment of the Secret Service as an executive management function because the Service is a part of the Department. See page 7 of Tab C. In support of this position, the Department cites Section 301 of 5 U.S.C. which provides, in part, that "the head of an Executive department or military department may prescribe regulations for the government of his department, the conduct of its employees, the distribution and performance of its business...." It is under this authority that the Secretary has directed protection for the Secretaries of State and Treasury, and the Deputy Secretary of the Treasury.



As a practical matter the Congress has sometimes acquiesced in protection of a non-statutory protectee and on other occasions demanded termination of such protection. The cases of Senator Kennedy and former Vice President Agnew are good examples.

My only conclusion is that if Secretary Simon is in no greater danger than other members of the Cabinet, it might be difficult to justify protection on any theory.

Considerations

1. What would be the legal consequences if a Secret Service agent killed someone while protecting the Secretary? In Neagle the marshal was charged with murder upon the theory that he was improperly assigned. The U. S. Supreme Court prevented a trial by its decision.
2. Is protection being provided Secretary Simon's family?
3. What special facilities, at a cost of \$5,400, are being readied at Secretary Simon's residence?
4. Is protection still being provided to the Deputy Secretary of the Treasury?



TAB A



THE WHITE HOUSE

WASHINGTON

February 6, 1975

MEMORANDUM FOR:

PHILIP BUCHEN

FROM:

JAY FRENCH

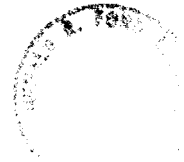
You inquired whether GAO is legally correct in concluding that Secretary Simon is not authorized by law to have Secret Service protection of his person. See attached news article in Tab A.

There is no statutory authority for such protection. See 18 U.S.C.A. § 3056 in Tab B.

Historically, Secret Service protection has been given to Treasury Secretaries Morgenthau and Schultz by direction of the President. The article in Tab A relates that the President has not directed protection for Secretary Simon.

The authority for a President to direct such protection is in the Constitution. Section 3, Article 2, declares that the President "shall take care that the laws be faithfully executed." The U.S. Supreme Court has applied this interpretation in In Re Neagle, 135 U.S. 1 (1890). In that case the Court upheld a Presidential order under this broad constitutional authority, directing a Federal Marshal to protect a judge, who, while in the discharge of his duties was personally threatened. There is one glaring difference between the facts of Neagle and the facts surrounding protection of Secretary Simon. Justice Field, in Neagle had been assaulted once and threatened on several occasions when protection was finally ordered. Secretary Simon does not appear to be in any greater danger than other members of the Cabinet, who have no Secret Service protection.

A second, weaker argument has been advanced to legitimize Secret Service protection of non-statutory protectees. Under this theory the President notifies the Congress (or appropriate committee) of his action, and if the Congress remain silent it is deemed to have ratified the act.



Considerations

1. What would be the legal consequences if a Secret Service agent killed someone while protecting the Secretary? In Neagle the marshal was charged with murder upon the theory that he was improperly assigned.
2. Is protection being provided Secretary Simon's family?
3. What special facilities, at a cost of \$5,400, are being readied at Secretary Simon's residence?



Secret Service guard for Simon is questioned

By **SETH KANTOR**
News Washington Bureau

WASHINGTON — A detail of Secret Service agents, acting under orders from Treasury Secretary William E. Simon, has been providing Simon and his family personal bodyguard protection at a cost to the public of more than \$500,000 a year.

But a report by the General Accounting Office (GAO) says Simon is not authorized by law to have the special unit from the Secret Service, which is a branch of the Treasury Department.

The report shows \$504,000 a year is spent on salaries alone for agents posted at the Simon home and for those who travel with him on trips.

In addition, Treasury officials have told the GAO that \$5,400 is being spent to establish special facilities for the Secret Service at Simon's home.

Spokesmen for Simon and the Secret Service refused to tell The News what those facilities



—AP Wirephoto
WILLIAM SIMON
Guard is questioned

are or how many agents are being used to serve Simon personally.

"Never can you get that kind of information," said one spokesman. "It would tell people interested in blowing him (Simon) up how many men there are to fight."

A Treasury spokesman said Simon is "not necessarily getting any more threats than other members of the Cabinet" who are not given special Secret Service guards.

Rep. John E. Moss, D-Calif., who asked for the GAO study, charged that Simon's actions are an "example of the 'security syndrome' characterizing the Nixon-Ford regimes, which, rather than serving the people, fears them and shows it by such inexcusable expenditures."

David R. Macdonald, assistant Treasury secretary for enforcement, compared the atmosphere surrounding today's Treasury secretary with the dangers of World War II.

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WASHINGTON — President
 he will ask Congress to spe
 almost \$1 billion a day"
 The figure includes record
 ending of \$1 billion a week.
 The President warned that
 billion deficit could swell to
 akers do not approve his an
 "I will walk the extra mile and give all of my
 helping the world economy in
 for all Americans," he said
 But then came a regular occurrence, so the young
 holdups became a regular occurrence, so the young
 pulled out.
 In the middle of all this, there was a shooting at
 the police radio. There'd been a shooting at

fo
 fo

102nd Year No. 16
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Cloudy
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E



Secret Service bodyguards for Simon are questioned

Continued from Page One

when then-Secretary Henry Morgenthau Jr. was given Secret Service bodyguards.

Macdonald said that "given the present national environment and evidence of specific risks, it seems reasonable that (Simon) also be assigned Secret Service agents who have been trained to provide personal protection."

Federal laws have been enacted since the Morgenthau-era which specify those entitled to Secret Service guards, and the GAO has told Moss that "the secretary of the Treasury is not among them."

Entitled to protection are the president, vice-president and their immediate families, as well as major presidential and vice-presidential candidates, and visiting heads of state.

Presidents can order Secret Service protection for a Cabinet member, as has been done for several secretaries of state, including Henry A. Kissinger.

But President Ford has not ordered such protection for Simon, the GAO told Moss.

Simon, therefore, "cannot order the Secret Service... to protect him, any more than he could order it to use its funds to protect any other official not within the purview of (the law)," the GAO reported.

Macdonald told GAO investigators that in addition to \$504,000 in salaries for Simon's per-

sonal protection force, another \$26,400 has been set aside to pay for the travel costs of agents assigned to Simon in 1975.

But the GAO has concluded that Secret Service appropriations for the Simon assignment are being misused, since they "are not available for this purpose."

The GAO told Moss that special authorization from Congress would be required for Simon to have the bodyguards.

Simon does have routine use of a uniformed component of the Secret Service, trained to protect "life and property" at the Treasury Department, and provide the secretary security at certain functions, such as press conferences.

3rd atom particle found

STANFORD, Calif. — (UPI) — Scientists exploring the subnuclear frontier have discovered what could be a third new fundamental particle.

A team of physics research scientists from Stanford Linear Accelerator Center and the University of California's Berkeley Laboratory announced the new find Friday night.

The discovery came as the physicists analyzed last year's data using information provided in studies of the first two particles—labeled "PS13105" and "PS13700."

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TAB B

18 § 3053 CRIMES AND CRIMINAL PROCEDURE

nor section 570 of Title 28 granting air marshals right to exercise the same powers which a sheriff of the state may exercise provides authority for provision that an air marshal may search without probable cause. *People v. Sortino*, N.Y. 1971, 325 N.Y.S.2d 472, 68 Misc.2d 151.

2. Arrest

Under this section authorizing the United States marshals and their depu-

ties to make warrantless arrests for specified offenses, power to take reasonable law enforcement steps short of, but which may lead to, an arrest can be fairly implied from the grant of arrest powers. *U. S. v. Riggs*, C.A.N.Y.1973, 474 F.2d 699, certiorari denied 94 S.Ct. 115, 414 U.S. 820, 38 L.Ed.2d 53.

§ 3054. Officers' powers involving animals and birds

Any employee authorized by the Secretary of the Interior to enforce sections 42, 43, and 44 of this title, and any officer of the customs, may arrest any person who violates section 42 or 44, or who such employee or officer of the customs has probable cause to believe is knowingly and willfully violating section 43, in his presence or view, and may execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of said sections.

As amended Dec. 5, 1969, Pub.L. 91-135, § 7(b), 83 Stat. 281.

1969 Amendment. Pub.L. 91-135 provided for enforcement of section 42 of this title and substituted "any person who violates section 42 or 44, or who such employee or officer of the customs has probable cause to believe is knowingly and willfully violating section 43." for "any person violating said sections".

Effective Date of 1969 Amendment. Amendment by Pub.L. 91-135 effective 180 days after Dec. 5, 1969, see section 11 of Pub.L. 91-135, set out as a note under section 663cc-1 of Title 16, Conservation. **Legislative History.** For legislative history and purpose of Pub.L. 91-135, see 1969 U.S.Code Cong. and Adm.News, p. 1413.

§ 3056. Secret Service powers

(a) Subject to the direction of the Secretary of the Treasury, the United States Secret Service, Treasury Department, is authorized to protect the person of the President of the United States, the members of his immediate family, the President-elect, the Vice President or other officer next in the order of succession to the office of President, and the Vice President-elect; protect the person of a former President and his wife during his lifetime, the person of the widow of a former President until her death or remarriage, and minor children of a former President until they reach sixteen years of age, unless such protection is declined; protect the person of a visiting head of a foreign state or foreign government, and, at the direction of the President, other distinguished foreign visitors to the United States and official representatives of the United States performing special missions abroad; detect and arrest any person committing any offense against the laws of the United States relating to coins, obligations, and securities of the United States and of foreign governments; detect and arrest any person violating any of the provisions of sections 508, 509, and 871 of this title and, insofar as the Federal Deposit Insurance Corporation, Federal land banks, joint-stock land banks and Federal land bank associations are concerned, of sections 218, 221, 433, 493, 657, 709, 1006, 1007, 1011, 1013, 1014, 1907, and 1909 of this title; execute warrants issued under the authority of the United States; carry firearms; offer and pay rewards for services or information looking toward the apprehension of criminals; and perform such other functions and duties as are authorized by law. In the performance of their duties under this section, the Director, Deputy Director, Assistant Directors, Assistants to the Director, inspectors, and agents of the Secret Service are authorized to make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony. Moneys expended from Secret Service appropriations for the purchase of counterfeits and subsequently recovered shall be reimbursed to the appropriation current at the time of deposit.

(b) Whoever knowingly and willfully obstructs, resists, or interferes with an agent of the United States Secret Service engaged in the performance of the protective functions authorized by this section, by the



Act of June 6, 1968 (82 Stat. 170), or by section 1752 of title 18, United States Code, shall be fined not more than \$300 or imprisoned not more than one year, or both.

As amended Jan. 2, 1971, Pub.L. 91-644, Title V, § 19, 84 Stat. 1892; Jan. 5, 1971, Pub.L. 91-651, § 4, 84 Stat. 1941.

References in Text. The Act of June 6, 1968 (82 Stat. 211), referred to in subsec. (b), is set out as "Major Presidential or Vice Presidential Candidates; Personal Protection" note under this section.

1971 Amendments. Subsec. (a). Pub.L. 91-651 authorized the Secret Service to protect the person of a visiting head of a foreign state or foreign government and, at the direction of the President, other distinguished foreign visitors to the United States and official representatives of the United States performing special missions abroad, and substituted "Director, Deputy Director, Assistant Directors, Assistants to the Director" for "Chief, Deputy Chief, Assistant Chief".

Subsec. (b). Pub.L. 91-644 designated existing provisions as subsec. (a) and added subsec. (b).

Applicability of 1950 Reorg. Plan No. 28. Section 5 of Pub.L. 91-651 provided that: "Section 3056 of title 18, United States Code, as amended by section 4 of this Act [this section], shall be subject to Reorganization Plan Numbered 28 of 1950 (84 Stat.1280) [set out in the Appendix to Title 5, Government Organization and Employees.]"

Legislative History. For legislative history and purpose of Pub.L. 91-644, see 1970 U.S.Code Cong. and Adm.News, p. 5804. See, also, Pub.L. 91-651, 1970 U.S. Code Cong. and Adm.News, p. 5903.

Supplementary Index to Notes

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 Presidential safety and security 8

4. Arrest without warrant—Generally

Secret service agents, who made warrantless arrest of defendant, charged with passing counterfeit federal reserve notes, were not required, at moment of arrest, to possess knowledge of facts and circumstances comprising probable cause for such arrest, but rather probable cause was to be determined on objective facts available for consideration by agencies or officers participating in arrest. *U. S. v. Stratton*, C.A.Mo.1971, 453 F.2d 38, certiorari denied 92 S.Ct. 1515, 405 U.S. 1069, 31 L.Ed.2d 800.

Secret Service is empowered to effectuate lawful arrest without warrant only if there is reasonable ground to believe that person to be arrested has committed or is committing a felony. *Holt v. U. S.* C.A.Ok1.1968, 404 F.2d 914, certiorari denied 89 S.Ct. 872, 393 U.S. 1058, 21 L.Ed.

2d 779, rehearing denied 89 S.Ct. 1303, 394 U.S. 967, 22 L.Ed.2d 570.

5. — Informers

Where informant had provided Secret Service agents with reliable information in the past, and informant correctly stated that defendant would be at airport at particular time and would be carrying counterfeit money, and informant after conversing with defendant notified agent that defendant possessed the contraband and agent relayed information to arresting officer who observed brown sack bulging from defendant's pocket, officer had probable cause for arrest notwithstanding his inability to identify currency as counterfeit prior to arrest, and search and seizure were valid as incident to lawful arrest. *Holt v. U. S.*, C.A.Ok1.1968, 404 F.2d 914, certiorari denied 89 S.Ct. 872, 393 U.S. 1058, 21 L. Ed.2d 779, rehearing denied 89 S.Ct. 1303, 394 U.S. 967, 22 L.Ed.2d 570.

7. Children of deceased President, protection of

Photographer would be enjoined from interfering with secret service agents' duties of protecting children of deceased president and would not be permitted to enter the children's schools or play areas, to engage in action calculated to or reasonably foreseen to place their safety or well-being in jeopardy, would not be permitted to harass, alarm or frighten children and would not be permitted to approach within 30 feet of the children. *Galella v. Onassis*, C.A.N.Y.1973, 487 F.2d 986.

United States was entitled to injunction against activity of photographer who allegedly harassed children of deceased President under protection of secret service agents, either under common-law principles or this section relating to secret service powers, on showing that photographer impaired objective of secret service function and impaired means by which agents went about achieving objective. *Galella v. Onassis*, D.C.N.Y.1972, 353 F.Supp. 196, affirmed in part, reversed in part on other grounds 487 F.2d 986.

8. Presidential safety and security

In class action against various state and federal law enforcement officers on behalf of United States citizens who were excluded from general presence of President of the United States at public gatherings in North Carolina involving well-known religious figure, evidence failed to establish that actions of the defendants, although done as federal agents and ostensibly under color of federal authority, were justified upon basis of necessity for presidential safety or security. *Sparrow v. Goodman*, D.C.N.C.1973, 361 F.Supp. 566.

§ 3057. Bankruptcy investigations

1. Dismissal of indictment

Defendant charged with fraudulently concealing and transferring assets of a bankrupt corporation, and with conspiracy, was not entitled to dismissal of indictment on grounds that the Government failed to comply with provisions of this section relating to bankruptcy investigations, where this section, directing that

the United States Attorney, "if it appears probable that any such offense has been committed, shall without delay, present the matter to the grand jury," does not on its face confer any procedural rights upon a defendant in a bankruptcy fraud prosecution. *U. S. v. Filiberti*, D.C. Conn.1973, 353 F.Supp. 252.



February 6, 1975

MEMORANDUM FOR:

PHILIP BUCHEN

FROM:

JAY FRENCH

You inquired whether GAO is legally correct in concluding that Secretary Simon is not authorized by law to have Secret Service protection of his person. See attached news article in Tab A.

There is no statutory authority for such protection. See 18 U. S. C. A. § 3056 in Tab B.

Historically, Secret Service protection has been given to Treasury Secretaries Morgenthau and Schultz by direction of the President. The article in Tab A relates that the President has not directed protection for Secretary Simon.

The authority for a President to direct such protection is in the Constitution. Section 3, Article 2, declares that the President "shall take care that the laws be faithfully executed." The U. S. Supreme Court has applied this interpretation in In Re Neagle, 135 U. S. 1 (1890). In that case the Court upheld a Presidential order under this broad constitutional authority, directing a Federal Marshal to protect a judge, who, while in the discharge of his duties was personally threatened. There is one glaring difference between the facts of Neagle and the facts surrounding protection of Secretary Simon. Justice Field, in Neagle had been assaulted once and threatened on several occasions when protection was finally ordered. Secretary Simon does not appear to be in any greater danger than other members of the Cabinet, who have no Secret Service protection.

A second, weaker argument has been advanced to legitimize Secret Service protection of non-statutory protectees. Under this theory the President notifies the Congress (or appropriate committee) of his action, and if the Congress remain silent it is deemed to have ratified the act.



Considerations

1. What would be the legal consequences if a Secret Service agent killed someone while protecting the Secretary? In Neagle the marshal was charged with murder upon the theory that he was improperly assigned.
2. Is protection being provided Secretary Simon's family?
3. What special facilities, at a cost of \$5,400, are being readied at Secretary Simon's residence?

JF:pk



TAB C



THE UNDER SECRETARY OF THE TREASURY
WASHINGTON, D.C. 20220

September 16, 1974

Dear Phil:

In view of the fact that we will be discussing the matter of Secret Service protection on future occasions, I thought that it would be appropriate to send you a copy of a memorandum which I prepared as General Counsel of this Department. The memorandum discusses situations during which protection has been authorized where it was not specifically authorized under the protective statute, 18 U.S.C. 3056(a).

With kind regards,

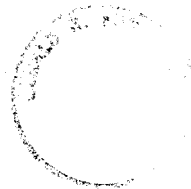
Sincerely yours,



Edward C. Schmults

The Honorable
Philip Buchen
Counsel to the President
The White House
Washington, D. C.

Enclosure





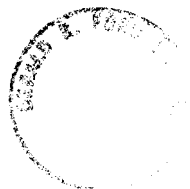
THE GENERAL COUNSEL OF THE TREASURY
WASHINGTON, D.C. 20220

MAR 19 1974

MEMORANDUM FOR: Secretary Shultz
FROM: Edward C. Schmults *ECS*
SUBJECT: The Authority of the Secret Service to Provide Protection
in Circumstances Not Specified in 18 U.S.C. 3056(a)

Following your appearance before the Senate Appropriations Committee on February 27th, you asked me to prepare a memorandum on the authority of the Secret Service to provide protection in circumstances not specified in the basic protective statute, 18 U.S.C. 3056(a). This document is provided in response to that request.

In 1865 the Secret Service was established as a division of the Treasury Department to suppress counterfeiting, but before the turn of the century it was engaged, in an ad hoc, stop-gap way, in protecting the President. Although the Secret Service began full-time protection of the President in 1902, four years passed before specific legislative sanction and funds were provided for such protection. It was not until 1951 that the basic protective statute was enacted authorizing permanent protection for the President. This statute, 18 U.S.C. 3056(a), has been amended several times to enlarge the number of persons to be protected. Thus, the evolution of the Secret Service protective mission has been an on-going process. The history and nature of that mission make it imperative, in Treasury's view, that the protective statute not be regarded as preventing the Secret Service from protecting persons not specifically covered by the statute in circumstances where the risk of harm and the public interest justify protection.



The basic statute now authorizes the Secret Service, subject to the direction of the Secretary of the Treasury, to protect the President and his immediate family; the President-elect; the Vice President or other officer next in succession to the President; the Vice President-elect; major Presidential and Vice Presidential candidates;^{1/} former Presidents and their wives; the widows of former Presidents until death or remarriage; minor children of former Presidents until they reach the age of sixteen; visiting heads of state and of foreign governments; and, at the direction of the President, other distinguished foreign visitors and official representatives of the United States performing special missions abroad.^{2/}

Consistent with the evolution of the Secret Service's protective mission, the Treasury Department has over the years taken the position that this statutory enumeration does not preclude the Secret Service from affording protection to individuals who do not fall within the specific categories set forth in 18 U.S.C. 3056(a) if there are circumstances present which make such protection reasonable as a matter of both law and public policy. Because of the nature of what is in issue, i.e., the protection of persons whose lives are considered to be in danger, we have not regarded Congress'

^{1/} The responsibility to protect Presidential and Vice Presidential candidates stems from P.L. 90-331 (1968). This authority is noted in a footnote to 18 U.S.C. 3056.

^{2/} The protective statute has been considerably broadened since 1951 when it only authorized protection of the President and his immediate family, the Vice President and the President-elect. Persons in several of the new categories of protectees added by the Congress had already been receiving protection at the direction of the President prior to the Congress' specific authorization.



enumeration of specific classes of persons to be protected as intended to preclude protection which is in the public interest when ordered by the President on a temporary basis or protection for which there is other authority, as discussed below.

* * * *

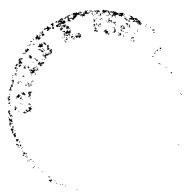
The Treasury Department has operated for many years under the general presumption that there is Presidential authority to order protective details in cases not expressly covered by the protective statute but which are in the public interest. This ability provides a necessary flexibility, particularly in emergency situations, to cover important situations not foreseen by the Congress and not dealt with in 18 U.S.C. 3056(a). In a present day environment where terrorism and kidnaping are being increasingly utilized in attempts to secure social and economic demands, this capability appears to be a necessity.

The Treasury, as an agency of the Executive branch of the government, is not in a position to express authoritative conclusions as to the basis for the President's inherent power to order Secret Service protection of a specific individual. That is a determination to be made in the first instance by Counsel to the President. But, in the absence of an authoritative expression to the contrary, the Treasury believes that in cases where the President determines that the risk of harm and the public interest justify Secret Service protection, his directive to furnish such protection is, as a matter of law, presumptively valid.



Inherent executive authority has been utilized on a number of past occasions by many Presidents to order protection in a variety of circumstances.^{3/} For example, during World War II protection was afforded to Queen Wilhelmina of the Netherlands, Prime Minister Winston Churchill and other official foreign visitors to the United States. President Truman and his successors sent Secret Service details to Latin America to provide protection for Secretaries of State. Governor Rockefeller was protected by the Secret Service on an official trip to Latin America during a time when extensive rioting was taking place. Former Vice President Humphrey received protection for six months in 1969 after leaving office. Although he was not a candidate for the Presidency, Senator Edward M. Kennedy was protected subsequent to the assassination attempt against Governor Wallace during the 1972 Campaign. Finally, we would point out that if the statute is read literally, protection for Vice President-designate Ford was not expressly authorized during the time period from his nomination by the President until his confirmation by the Congress, since he was neither a "candidate" for the Vice Presidency for whom protection was recommended by the advisory committee prescribed in P.L. 90-331, nor an official next in succession to the Presidency, nor a "Vice President-elect."

^{3/} With two exceptions, those situations where protection has been ordered by the President have involved the protection of individuals in circumstances akin to, but not within, the specific parameters set forth in 18 U.S.C. 3056(a). These exceptions concern the protection of foreign officials visiting the United States and protection of U.S. officials on missions abroad before the statute was amended in 1971 to specifically cover both types of situations.



The Congress has been informed of past instances where the Secret Service has provided protection for persons not within the specific categories listed in 18 U.S.C. 3056(a).^{4/} To our knowledge, no significant objections have

^{4/} In 1950 testimony before the Labor-Federal Security Appropriations Subcommittee of the House Appropriations Committee indicated that, although it was not at the time prescribed by the Secret Service's statute, the Vice President and certain foreign dignitaries were receiving Secret Service protection. (Hearings before the House Subcommittee on Labor-Federal Security Appropriations on the Second Supplemental Appropriations Bill for 1951, 81st Cong., 2nd Sess., p. 175 (1950).) Although Mr. Truman had a Secret Service detail as Vice President and Vice President Wallace was guarded on a few occasions, the statute was not amended to specifically authorize the Secret Service to protect the Vice President until 1951.

In September 1972 it was formally reported to the Treasury subcommittee of the House Appropriations Committee that Secret Service protection was being provided to Senator Edward Kennedy, although he was not a candidate in the 1972 Presidential Campaign, "by direction of the President, pursuant to the inherent powers of the President." (Hearings before the House Subcommittee on the Treasury, Postal Service, and General Government Appropriations on the Supplemental Appropriation Bill, 1973, 92nd Cong., 2nd Sess., p. 1058 (1972).) In March, 1971, it was reported to the same subcommittee that, "at the direction of the President," the Secret Service had during 1970, prior to enactment of legislation authorizing such, protected numerous visiting foreign dignitaries. (Hearings before the House Subcommittee on the Treasury, Postal Service, and General Government Appropriations on Appropriations for 1972, 92nd Cong., 1st Sess., pp. 222, 224 (1971).) The Senate Appropriations Subcommittee with responsibility for the Treasury Department was also apprised of both of these protective assignments. (Hearings before the Senate Subcommittee on the Treasury, U.S. Postal Service and General Government Appropriations on H.R. 9590, 93rd Cong., 1st Sess., p. 462 (1973); and, Hearings before the Senate Subcommittee on the Treasury, U.S. Postal Service and General Government Appropriations on H.R. 9271, 92nd Cong., 1st Sess., pp. 475-476 (1971).)

In 1969 the Senate Appropriations Subcommittee on Deficiencies and Supplementals heard testimony that the President, with no specific legislative authority, had ordered Secret Service protection for Governor Rockefeller during an official trip to Latin America. (Hearings before the Senate Subcommittee on Deficiencies and Supplemental Appropriations on H.R. 11400, 91st Cong., 1st Sess., p. 1125 (1968).)



ever been raised in connection with any protective mission other than that involving former Vice President Agnew in the recent past.^{5/} In pertinent situations lack of Congressional objection to a long-standing practice of the Executive has been interpreted as supporting the proposition that such practice is impliedly authorized. United States v. Midwest Oil Company, 236 U.S. 459 (1915).

Although no statute specifically authorizing such conduct was in existence, the Supreme Court recognized the authority of the President to assign a deputy Federal marshal to protect a U.S. Supreme Court Justice whose life had been threatened as part of the Executive's constitutional duty to "take care that the laws be faithfully executed", (U.S. Const. Art. II, §3) In re Neagle, 135 U.S. 1 (1890). We believe that such inherent Presidential authority to direct Federal officers to provide protection where it is in the public interest supports the view that the statute enumerating the general powers of the Secret Service was not intended to be exclusive.

^{5/} The issue of whether, and under what circumstances, the Secret Service has legal authority to provide protection beyond that specifically set forth in 18 U.S.C. 3056(a) has never been considered by any court of the United States. In fact, before the Comptroller General set forth his recent opinion with respect to former Vice President Agnew's protection, an opinion which limited itself only to the case of Mr. Agnew and expressed no other conclusions, no views, to Treasury's knowledge, had ever been expressed formally by any agency of the United States that Secret Service protection in circumstances other than those specifically set forth in 18 U.S.C. 3056(a) might be without authority of law.



Such an assignment of Executive branch personnel should, because of the necessity to implement protection in certain situations, be viewed as analogous to other unspecified Presidential powers, such as that to remove Executive officials upheld by the Supreme Court in Myers v. United States, 272 U.S. 52 (1926).

* * * *

There is a second type of situation, namely that in which Secret Service protection has been afforded without Presidential directive, generally on the authority of the Secretary of the Treasury, to individuals not within those categories specifically set forth in 18 U.S.C. 3056(a). In accordance with the comments made at the Senate Appropriations Committee hearing on February 27th, we are discussing in this section of the memorandum only the protection being accorded to the Secretary and the current Deputy Secretary of the Treasury, and the Secretary of State.

The deployment of security personnel is an executive function essential to the management of a department and the performance of its business. Thus, it is reasonable that, if considered necessary in view of demonstrable evidence of risk, the Secretary and the current Deputy Secretary of the Treasury be assigned an appropriate number of professionally trained Secret Service agents. Section 301 of 5 U.S.C. provides, in part, that "the head of an Executive department or military department may prescribe regulations for the government of his department, the conduct of its employees, the distribution and performance of its business. . . ." / Reorganization Plan 26 of 1950 (5 U.S.C. App., p. 544) transferred all duties and functions of



employees of the Department of the Treasury, including those of the Secret Service, to the Secretary.^{6/} Accordingly, the Secretary is empowered by law to supervise and direct the activities of Secret Service officers. Such officers, like all other Treasury personnel, could be assigned to render him direct assistance to carry out any Treasury responsibilities. In the past, in response to a White House request, the Secretary has deployed Secret Service officers as sky marshals to protect commercial aircraft against hijacking.^{7/} The Secret Service has trained security personnel from other departments so that they could protect their own department heads.^{8/} The Secret Service also at times conducts investigations for Treasury bureaus which do not have their own investigative capabilities.^{9/} None of these functions are specifically set out in 18 U.S.C. 3056(a). Each activity has been discussed in appropriation hearings before Congress and none has been criticized as beyond the Service's authority as set forth in 18 U.S.C. 3056(a).

During World War II Secretary Morgenthau was supplied a Secret Service detail to insure his personal safety. Given the present national environment and evidence of specific risks, it seems reasonable to the Treasury

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- ^{6/} See also section 5 of P.L. 91-651 (1971) in which Congress specifically made 18 U.S.C. 3056, as amended, subject to Reorganization Plan 26.
- ^{7/} Hearings before the House Subcommittee on Treasury, Post Office and General Appropriations on Appropriations for 1972, 92nd Cong., 1st Sess., pp. 223, 262-263 (1971).
- ^{8/} Hearings before the House Subcommittee on the Treasury, Postal Service, and General Government Appropriations on Appropriations for Fiscal Year 1974, 93rd Cong., 1st Sess., Part I, p. 392 (1973).
- ^{9/} Hearings before the House Subcommittee on Treasury - Post Office Departments Appropriations on Appropriations for 1958, 85th Cong., 1st Sess., pp. 533-534 (1957) (personnel investigations for the Bureau of Engraving and Printing, Bureau of the Mint, Bureau of Public Debt, etc.).

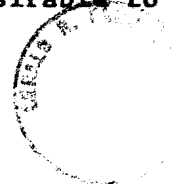


that the Secretary and the current Deputy Secretary of the Department also be assigned Secret Service agents who have been trained to provide personal protection.

Finally, in addition to authorizing Secret Service protection for the two senior officials in the Treasury Department, the Secretary of the Treasury has, in response to a request from Secretary of State Kissinger, directed the Secret Service to protect him. Such action is justified under the Economy Act of 1932, as amended, 31 U.S.C. 686. The Department of State is authorized under 22 U.S.C. 2666 to provide protective services for the Secretary of State, and funds have been appropriated for that purpose. Government agencies are authorized under 31 U.S.C. 686 to use available funds to procure services from other government agencies. Pursuant to this authority, the Department of State has determined that it is in the interest of the government to utilize the Secret Service to provide protection, on a partially reimbursable basis, for the Secretary of State.

* * * *

For the reasons stated above, the Treasury believes that the basic protective statute is not exclusive and that additional Secret Service protection may be directed in cases not specifically covered by the statute where the risk of harm and the public interest justify such protection. Recently this proposition has been questioned with respect to at least one protective detail not covered by the statute. It may be desirable to



consider again broadening the protective statute to cover additional situations where protection is warranted. If this view is accepted, further consideration will be given to this matter by the Treasury with a view to developing specific legislative proposals.

Boyer

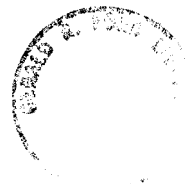
THE WHITE HOUSE
WASHINGTON

February 19, 1975

MEMORANDUM FOR: DICK CHENEY
FROM: DUDLEY CHAPMAN *DC*
SUBJECT: Steve Klein Investigation

The Secret Service is looking into this because the charge involves counterfeiting. Bob Snow of the Service told me yesterday that Klein has been contacted and further investigation is in progress. He could not yet provide any specifics.

cc: David Kennerly
bcc: Phil Buchen ✓



Tuesday 2/4/75

9:30 Called Dave Kennerly's secretary to ask for a copy of a letter from Steve Kline (Alaska) on the subject of frauds being practiced in the making and sale of gold coins.

Phone numbers for Mr. Kline

(907) 333-7019 home
272-8561 off.

(till end of week)

*Dave's secretary
doesn't find the
letter; will
check with
him when he
returns.*



THE WHITE HOUSE
WASHINGTON

Steve Kline

907/333-7019 home

272-8561 o/c.

~~Pl~~ til end of work

THE WHITE HOUSE
WASHINGTON

Phil A:

Do you know
this man?

R

No - he was met
one of those near the top
of his class. If important, I
can find out about him

P.A.

Sheila Regan

Age 33

Alexandria, Va.

Mrs. Dolly
Saxbe

Edward J. Hartzler
Crown Point, Ind.



WASHINGTON
THE WHITE HOUSE



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

ASSISTANT SECRETARY

March 8, 1975

MEMORANDUM FOR THE HONORABLE PHILIP W. BUCHEN
COUNSEL TO THE PRESIDENT

FROM: David R. Macdonald *DM*
Assistant Secretary (Enforcement,
Operations, and Tariff Affairs)

SUBJECT: Testimony on Secret Service
Protective Intelligence File

As part of our coordination effort regarding submissions to Congress relating to the intelligence activities of governmental agencies, I enclose my proposed testimony to be given before Congresswoman Abzug's Subcommittee on Government Information and Individual Rights of the Committee on Government Operations. This testimony must be distributed to the Subcommittee on Monday afternoon.

Enclosure

*File to Pres. Library?
Protect functioning p.5*





THE DEPARTMENT OF THE TREASURY

WASHINGTON, D.C. 20220

ASSISTANT SECRETARY

March 8, 1975

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Assistant Secretary (Enforcement,
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Enclosure



FOR RELEASE ON DELIVERY 9:00 A.M. THURSDAY, MARCH 13, 1975

STATEMENT OF THE HONORABLE DAVID R. MACDONALD
ASSISTANT SECRETARY FOR ENFORCEMENT, OPERATIONS
AND TARIFF AFFAIRS
DEPARTMENT OF THE TREASURY
BEFORE
THE SUBCOMMITTEE ON GOVERNMENT INFORMATION
AND INDIVIDUAL RIGHTS OF THE
COMMITTEE ON GOVERNMENT OPERATIONS
ON
THE PROTECTIVE INTELLIGENCE OPERATIONS OF THE
UNITED STATES SECRET SERVICE
MARCH 13, 1975
9:00 A.M.

Madame Chairwoman and Members of the Subcommittee:

I am pleased to appear before this subcommittee today to discuss the protective intelligence mission of the United States Secret Service and to address myself particularly to those records maintained by the Secret Service which are necessary to the accomplishment of its protective role, not only of the President and his family, but of other protectees of the Service, including the Vice President and "major" Presidential candidates.

I have with me today, and would like to introduce to you, two other gentlemen who can be of assistance in discussing the protective intelligence operations of the Secret Service: Mr. J. Robert McBrien, Special Assistant for Special Legislation and Projects, of my office and Mr. Thomas J. Kelley, Assistant Director for Protective Intelligence, United States Secret Service.

I. History of Development of Threat Criteria

Following the assassination of President Kennedy, the Warren Commission reviewed the Secret Service procedures and found them to be inadequate. The Secret Service, the FBI and other agencies were criticized for insufficient exchange of information and for having too narrow an interpretation of the term "threat." The Service was also faulted for its lack of an adequate investigative staff, its inability to process large amounts of data, and its failure to provide other agencies with specific descriptions of the kind of information it sought.



Based on these inadequacies, the Warren Commission recommended the complete overhaul of protective intelligence, stating:

"(a) The Secret Service should develop as quickly as possible more useful and precise criteria defining those potential threats to the President which should be brought to its attention by other agencies. The criteria should, among other additions, provide for prompt notice to the Secret Service of all returned defectors.

(b) The Secret Service should expedite its current plans to utilize the most efficient data-processing techniques.

(c) Once the Secret Service has formulated new criteria delineating the information it desires, it should enter into agreement with each Federal agency to insure its receipt of such information." ¹

Addressing itself then to the criteria for defining "threats" to the Presidency, the Warren Commission at the same time recognized both the need for a "threat profile" and the difficulties in developing criteria for such a profile:

"Since the assassination, both the Secret Service and the FBI have recognized that the protective files can no longer be limited largely to persons communicating actual threats to the President.... The FBI has circulated additional instructions to all its agents, specifying criteria for information to be furnished to the Secret Service in addition to that covered by the former standard, which was the possibility of an attempt against the person or safety of the President. The new instructions require FBI agents to report immediately information concerning:

Subversives, ultrarightists, racists and fascists (a) possessing emotional instability or irrational behavior, (b) who have made threats of bodily harm against officials or employees of Federal, state or local government or officials of a foreign government, (c) who express or have

^{1/} Report of The President's Commission on the Assassination of President Kennedy ("Warren Commission Report") p.26 (1964).



expressed strong or violent anti-U.S. sentiments and who have been involved in bombing or bomb-making or whose past conduct indicates tendencies toward violence, and (d) whose prior acts or statements depict propensity for violence and hatred against organized government....

"In June 1964, the Secret Service sent to a number of Federal law enforcement and intelligence agencies guidelines for an experimental program to develop more detailed criteria. The new tentative criteria are useful in making clear that the interest of the Secret Service goes beyond information on individuals or groups threatening to cause harm or embarrassment to the President. Information is requested also concerning individuals or groups who have demonstrated an interest in the President or 'other high government officials in the nature of a complaint coupled with an expressed or implied determination to use a means, other than legal or peaceful, to satisfy any grievance, real or imagined.' Under these criteria, whether the case should be referred to the Secret Service depends on the existence of a previous history of mental instability, propensity toward violent action, or some similar characteristic, coupled with some evaluation of the capability of the individual or group to further the intention to satisfy a grievance by unlawful means...."

The Warren Commission then concluded:

"While these tentative criteria are a step in the right direction, they seem unduly restrictive in continuing to require some manifestation of animus against a Government official. It is questionable whether such criteria would have resulted in the referral of Oswald to the Secret Service."

Examining these new efforts to broaden the areas of protective inquiry while more selectively specifying the indicators of potential threats, the Warren Commission determined:

"It is apparent that a good deal of further consideration and experimentation will be required before adequate criteria can be framed. The Commission recognizes that no set of meaningful criteria will yield the names of all potential assassins. Charles J. Guiteau, Leon F. Czolgosz, John Schrank, and Guiseppe Zangara -- four assassins or would-be assassins -- were all men who acted alone in their criminal acts against our leaders. None had a serious record of prior violence. Each of them was a failure in his work and in his relations with



others, a victim of delusions and fancies which led to the conviction that society and its leaders had combined to thwart him. It will require every available resource of our Government to devise a practical system which has any reasonable possibility of revealing such malcontents."

The history of the protective mission since the Warren Commission report has been a series of attempts to define further the characteristics of potential threats to its protectees. Under the aegis of the President's Office of Science and Technology continuing efforts to define criteria have been attempted. The assistance of the best minds in the field of behavioral science has been sought and received.

The Secret Service's present and past practices of maintaining intelligence files have been reviewed by these scientists in an effort to provide an objective scientific basis for the decision-making responsibilities placed upon the Secret Service in this area of prediction. Most recently, a study made by an independent company in 1969, concluded that the Secret Service should not remain preoccupied with a search for a fixed set of what might be termed "criteria for all seasons;" since such criteria do not exist in any authentic sense.

Nevertheless, an examination of identified assassins has revealed that they do possess some traits in common, although many other persons who are apparently harmless possess these same traits. One of the principal threads that runs through assassins of Presidents or other protectees is a history of mental instability; but, of course, it cannot be stated that all persons who have had a history of mental illness are potential assassins. History also shows that these unstable individuals are accurately characterized, for lack of a better term, as "losers in life" who fail in their work and in their interpersonal relationships. Yet we also know that not all such persons are potential assassins or otherwise of protective interest.

A third characteristic which I must draw to the attention of this subcommittee is that virtually every prior presidential assassin has a history of political activities which might be termed "radical" for lack of a better definition. In your letter requesting our appearance today, Madame Chairwoman, you referred to the alleged maintenance of files on individuals "whose political activities, not their potential threat to the lives of government officials" have caused their inclusion. We can honestly assert that the protective intelligence files of the Secret Service are not created to list political dissidents nor are political dissidents included in it simply because they are political dissidents. Unfortunately, however, it is a reasonable and accurate conclusion that, among other criteria, political activities may be significant in determining whether an individual is of protective interest.

Despite his probable mental imbalances, John Wilkes Booth was definitely seeking to achieve political aims when he shot President Lincoln. The mental instability of President McKinley's killer was real but it manifested itself through his radical political belief in anarchism and the virtue of removing an "enemy of the people." The man who killed Mayor Cermak of Chicago while attempting to assassinate President Franklin D. Roosevelt, was also characterized by his political activities and anarchistic beliefs.

In 1950, when two members of the Nationalist Party of Puerto Rico attempted to shoot their way into Blair House to kill President Truman, their acts were politically motivated. Again, when five members of Congress were gunned down on the floor of the House in 1954, the four gunmen were political activists seeking Puerto Rican independence.

Lee Harvey Oswald was another assassin characterized by some mingling of his emotional instability with extreme political beliefs. Sirhan Sirhan was also a nationalistic political zealot with mental problems.

The point is that among the other criteria used for determining real threats to the Presidency, a propensity to self help through radical political action can be ~~a~~ significant as a determinant of the Secret Service's protective interest. Moreover, I should make clear to this subcommittee that we consider the Secret Service protective mission to include the protection of the functioning of the President in his official duties as well as the protection of his life and physical safety. Thus, persons who lie down in the White House or make an unannounced, inpromptu speech at a formal State dinner attacking a visiting foreign Chief of State might well be included in the list of persons who interfere with the Office of the Presidency and should therefore be screened from gatherings of this sort. This is analogous to the task of the Capitol Police in attempting to screen from the Galleries of the two Houses of Congress those persons who are likely to create disturbances or wave flags. The Secret Service has also, in good faith, considered that the Presidency should be protected against the obloquy of unintentional association at speakers' tables or elsewhere with organized crime figures or other figures, where he may be held up to hatred, ridicule or contempt. To a ~~limited~~ limited degree the Secret Service has traditionally attempted to keep the President and other protectees from being associated in the public mind with this category of person, and thus, ~~degrading~~ ~~demanning~~ the office which the protectee holds.

II. Safeguarding Protective Files

The information analyses made by the Secret Service screen out around 90% of those persons submitted for inclusion in the protective list. The regular reviews of the established files, to be discussed below, further contribute to the elimination of names included in the list.

Moreover, as to the protective list itself, presently including about 47,000 persons of some protective interest, safeguards have been established that we believe protect the public interest. The subcommittee should understand that approximately 111 calls and letters per month are directed at the White House alone which might be characterized as beyond the level of rational criticism and containing personal invective and menacing or abusive statements.

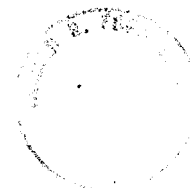
A. Access to Information from Protective Intelligence Files

The protective intelligence files of the Secret Service are maintained to assist the Service in protecting the lives of the President and other protectees, such as Presidential candidates and foreign Chiefs of State, and in providing them with a secure environment in which to carry out the offices they hold. This is the only use of these files.

They are not mingled with other files such as ordinary criminal histories. There is no access to these files by any agency for criminal investigating or other purposes. They are not part of any multi-agency computer system and cannot be queried by either the National Crime Information Center (NCIC) of the FBI or Treasury's own Treasury Enforcement Communications System (TECS). Within the Secret Service itself, access is strictly controlled by personnel of the Protective Intelligence Division.

I believe it is important to note that these tight restrictions apply equally to the input of data into the files of the Secret Service. Input, like retrieval, is now the exclusive domain of the Protective Intelligence Division of the Secret Service.

While the Secret Service carefully safeguards the confidentiality of its protective intelligence files, it still cooperates with the FBI or other agencies responsible for investigating or preventing the implementation of threats against officials who are not protectees of the Service. When, as a result of a threat by an individual, another government agency identifies a potential assailant, protective intelligence information derived from the Secret Service's files will be made available, providing that the Secret Service is satisfied that the request is genuine. Certainly, it would be unconscionable for the Secret Service to refuse to provide information to another security or investigative agency when such information might help prevent the carrying out of a threat. In such circumstances, the potential harm to the threatened person and society is exponentially greater than the perceived invasion of the personal privacy of the file subject.



The Secret Service does not allow access to its protective intelligence files by the subjects of those records. For those who are listed because of terroristic or other illegal "political" activities, access would help them learn the nature and extent of the Secret Service's knowledge about them. In many cases, it would be injurious to the protective mission if the existence of files on them were acknowledged. For both the criminal and the unstable person, access would necessarily lead to knowledge of the sources of the Secret Service's information, thus endangering other enforcement and intelligence operations and confidential sources including co-workers, friends and relatives.

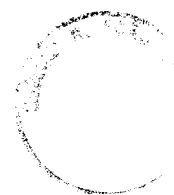
Generally, mentally imbalanced persons of protective interest are aware of the Secret Service's interest in them because of personal interviews conducted. Where a person makes an overt threat in violation of Section 871, Title 18, USC, criminal prosecution may follow and the courts can ensure that the defendant has the necessary information to defend against the charge.

This limitation on access to the files of the Secret Service is crucial in preserving the usefulness of the intelligence files and in safeguarding the protective mission. Without such denial of access, the protective intelligence system will suffer in the poor quality of information available, in compromised confidential sources, in the inability to keep track of persons of protective interest, and from interference with its intelligence system by individuals claiming access to the protective intelligence files. Most of the persons carried in the Intelligence Division files have a mental aberration. Knowledge of their condition, their progress, etc., come from hospital authorities, family members and witnesses to their actions. Many times this is as a result of two-party conversations where it is impossible to hide the identity of informants. Sources of information must be developed, questions asked and answers recorded. Trust must be extended and confidence must be maintained. Allowing access to information of this kind may well lead to a tragic event such as the mentally disturbed individual attacking the informant.

B. Updating & Purging

The second protective safeguard employed by the Secret Service is the criteria for updating and purging files.

Following the assassination of President Kennedy, the Protective Research Section was reorganized and renamed the Intelligence Division.



One of the first projects was a complete review of the files and the master index in the division. All files which did not contain investigative reports were destroyed as were all index cards relating to that file. At the same time all files were recalled from the Federal Records Center and were reviewed, using the same criteria. By 1965, the initial review was completed and the master index was reduced to approximately half of its 1963 volume of 500,000 index cards.

In 1966, two special reviews were conducted. All files were recalled from the Truman Library (approximately 8,000) and reviewed. Approximately 1,000 of those files were reactivated and 7,000 destroyed. Also, the Kennedy assassination file was reviewed. This file included some 5,000 subjects whose names had been recorded as a result of the extensive federal investigation of the case. Most of these names were found to have no connection with the assassination, and the names were deleted from Secret Service indices.

Although Secret Service reviews since the assassination in 1963 have enabled them to destroy a large number of cases, during this same period they were establishing many cases as a result of the receipt of telephoned and mailed threats received at the White House, and the increased amount of material sent by other agencies, principally the FBI. Most of the material sent by the FBI was retained, and cases were opened on numerous subjects who fit the profile of "another Oswald" but where no overt threats had been made. Many of the files were established in the expectation that scientific behavioral analysis techniques would provide us with a profile of a potential assassin.

During 1967, the Service reviewed the entire file again to determine which cases would be included in the then new computer system. At that time, all cases in which insufficient data for analysis had been obtained were either destroyed or referred to the field for completion of the investigation. A review of the master index was also made during that year; and it was purged of all extraneous material, so that only index cards relating to existing file jackets remained.

When the PRS was reorganized, the Secret Service attempted to investigate all information which was received if it decided to retain the information permanently in its files. In the early days of the Intelligence Division, however, it was not practicable to do this because of limited resources and indecision on the method and possibility of scientific analysis. Consequently, the Service established an "innocuous file" in which reports or letters were maintained but where no investigation had been conducted by the Service. This file was reviewed annually and cases were destroyed,

but it continued to grow until at one point the file consisted of 7,000 case jackets.

This file was reviewed and eliminated entirely in 1970. Our position since 1970 is that, exclusive of information which is filed temporarily and reports from other agencies handled by the Special Intelligence Branch, all material is referred for investigation before a decision is made on its retention.

Various other reviews have occurred from 1970 to the present with the continuing elimination of unnecessary files as one objective. All of these changes and improvements originate with the efforts of the Secret Service to improve its protective intelligence capabilities along the lines recommended by the Warren Commission:

"Unless the Secret Service is able to deal rapidly and accurately with a growing body of data, the increased information supplied by other agencies will be wasted. [The Intelligence Division] must develop the capacity to classify its subjects on a more sophisticated basis than the present geographic breakdown. Its present manual filing system is obsolete; it makes no use of the recent developments in automatic data processing which are widely used in the business world and in other Government offices.... The Commission further recommends that the Secret Service should not and does not plan to develop its own intelligence gathering facilities to duplicate the existing facilities of other Federal agencies. In planning its data processing techniques, the Secret Service should attempt to develop a system compatible with those of the agencies from which most of its data will come."

The Intelligence Division has an on-going review of all cases to determine which names can be eliminated from its files. A built-in tickler in the Data System Division enables the Secret Service to determine the length of time a name remains in the system without review. When these files are reviewed, a decision is made whether the subject of the file warrants additional inquiry to determine further the extent of protective interest.

Through a computerized review process in January of each year, all Intelligence Division files are reviewed except those on which some new information has been received or those which are, or have been, the



subject of quarterly investigations. If the abstract does reflect that there has been any action in the past five years, the file is reviewed to ascertain whether the Secret Service has a continuing protective interest in the subject. If the decision is made that no protective interest still exists, the file is destroyed and the name removed from the computerized index.

In addition, every two years the Service reviews its files by means of a computer printout to determine which cases may be deleted due to advanced age, lack of activity of the subject or changing circumstances. We consider the review and deletion system to be a good one in that all names in the system are subject to an on-going review which removes from the Intelligence Division index those people who are no longer of protective interest to the Secret Service.

The continually improving process of review and deletion is not simply a by-product of improving the accuracy and rapidity of retrieval of data from the protective intelligence files. Instead, an important goal of the protective mission of the Secret Service is to maintain as small a file as possible in order that its resources can be concentrated efficiently to perform its mission.

C. Use of Protective Intelligence Files

As a result of the Warren Commission's recommendation for the utilization of sophisticated data-processing techniques, the indices and files of the Protective Intelligence Division began being recorded by means of a computer system in 1967. Since that time, the system has been under continual internal review and improvement. The results to date have produced computerized indices relating to the protective intelligence mission:

- (1) White House and Executive Office Building Pass System Index (includes press and employees in White House complex).
- (2) Tradesmen System Index (workers cleared for entry to the White House complex on a regular basis).
- (3) Temporary Index of workmen in the White House complex on an ad hoc basis.
- (4) Temporary Index of suicide threats or similar data on people where protective interest has not yet been determined (retained for six months).

- (5) Event System Index (Persons coming to Secret Service attention during a trip or visit of a protectee. No investigation conducted yet).
- (6) Protective Intelligence Index (Persons determined to be of protective interest.)

I should also distinguish between our protective files index and the Criminal Record History System index of all persons arrested by the Secret Service for counterfeiting, forgery and other related crimes. They are two separate systems which are not co-mingled.

III. Interagency Cooperation

Before closing, I should mention the results of another primary recommendation of the Warren Commission: that the Secret Service markedly improve its coordination with other agencies and enter into formal agreements to insure that the enforcement and intelligence communities provide the Secret Service with the information it needs.

In response to that recommendation, the Secret Service and other Federal agencies have increased their coordination for the development of protective intelligence. The arrangements with investigative and intelligence agencies have been formalized with written agreements. Thus, today these agencies are furnished by the Secret Service with detailed descriptions of what is sought, the manner in which it should be provided and the respective responsibilities for any further actions that may be required. In return, the Service receives a mass of unevaluated material based on the criteria it has set.

Since this great volume of information provided as a result of the Service's request-criteria is raw data, the Secret Service alone has the responsibility of evaluating its usefulness as protective intelligence. I think it is to the great credit of the Secret Service that of the mass of information it receives from other agencies and then processes to cull out those persons not of protective interest, only 10% is retained in the intelligence files.

CONCLUSION

Madame Chairwoman, I hope my testimony today has contributed to a better understanding by this subcommittee of the protective intelligence policies and operations being performed by the Secret Service. The Treasury Department and the men and women of the Secret Service are aware of your concern that the improper use of protective intelligence information could result in wrongful infringement of individual rights. The Warren Commission was equally cognizant of the potential for abuse in these intelligence collection and evaluation methods. But, like the members of the Warren

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION
WASHINGTON, DC 20405



March 17, 1975

Reply to Room 487
OEOB
456-2545

MEMORANDUM TO: Mr. Paul Rundle
Protective Services
United States Secret Service

FROM: Thomas P. Wolf *Wolf*
Coordinator, Nixon Presidential Materials

SUBJECT: Door Check by EPS Patrols

It is hereby requested that in the future EPS officers making corridor patrols check the doors listed at the end of this memo. This request applies primarily to night and weekend hours.

Should any door be found unlocked, the same instructions that apply to the alarmed rooms under GSA custody should apply; namely, Mr. Wolf or Mrs. Karabatsos should be alerted immediately.

This request applies to rooms: 403, 405, 417, 419, 421, 423, 425, 427, 428, 428½, 430, 431, 431½, 432, 432½, 433, 434, 435, 436, 437, 438, 439, 440, 442, 443, 474, 492 and 570.

cc: Philip W. Buchen ✓
Arthur F. Sampson
Robert Snow
Raymond Zumwalt
Inspector Freeman

