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"Unlawful Entry

Statute"



United States Secret Service

CW
MJE

AD - Protective Intelligence

August 28, 1973

SAIC - Liaison Division

1-30-650.2

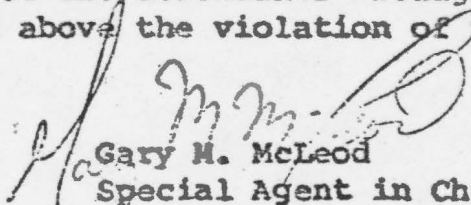
Sit-ins at the White House

Attached is an opinion by Chief Judge Harold H. Greene dated August 13, 1973, regarding the subject matter. It clearly expresses the "tone of the times" and the opinion of the courts on matters of this type.

Also attached is Chief Judge Greene's instruction to the jury in the Gaeng, Kerr and Cleary case. As can be readily seen, the Judge has gone beyond a "reasonable standard" in charging the jury, which in my opinion, afforded a verdict of not guilty.

Mr. Gil Zimmerman, Assistant U.S. Attorney, Civil Division, was advised by Chief Judge Greene's legal assistant that a possible way to foreclose any problems in future cases of this type would be with a sign or handout that read, "do not leave tour area under penalty of law".

Although putting up a sign containing the above statement may help sustain the arrest under D.C. Code Section 22-3102 Unlawful Entry (Remaining), it seems to me that the question in these cases is whether or not the defendants' religious beliefs and convictions are to be held above the violation of the law.


Gary M. McLeod
Special Agent in Charge

cc: Director

AD - Protective Forces

Legal Counsel

DAD Mroz - Protective Forces

SAIC - Intelligence Division

Chief Drescher - EPS

Attachment



SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

CRIMINAL DIVISION

United States

v.

Gerard J. Gaeng
Margaret E. Kerr
Kevin D. Cleary

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:
:
:
:
:
:

Criminal Nos. 40483-73
40454-73
40453-73

O P I N I O N

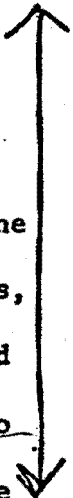
These are motions for judgments of acquittal made on behalf of three defendants charged with unlawful entry, in violation of D.C. Code § 22-3102. These prosecutions are among a considerable number apparently involving similar fact situations which have been brought in this Court in recent weeks. For that reason, it appears appropriate to discuss the legal issues in a written opinion which may provide some guidelines to those who may choose to consider them.

Briefly summarized, the evidence concerning the alleged offenses indicates the following. The defendants entered the White House together with a number of tourists and other visitors; when inside they departed from the tourist line and proceeded to a roped-off area of the East Room to which tourists are not normally admitted; they knelt and recited prayers which related to the United States bombing of Cambodia; police officers requested defendants once

or several times to leave the so-called "restricted" area; and upon defendants' continuing to remain in place engaged in prayer they were arrested and ultimately charged.

I

Defendants claim initially that they did not violate the unlawful entry statute because they lacked the requisite intent. Specifically, they contend that they believed they had a right to be where they were, arguing that they lacked specific notice of the prohibition against entering the restricted areas behind the ropes, that they may not have heard the order to leave, and that they did not actually and expressly refuse to leave but simply continued to pray. On all of these points the evidence or the inferences to be drawn therefrom are in dispute, and the questions are thus properly reserved for resolution by the jury.



Insofar as defendants' legal argument is concerned, the test of the right of an individual to remain on premises not his own without running afoul of the unlawful entry law is not, as the defense contends, whether he has a subjective belief in his right to remain. The true test is whether such an individual has a bona fide belief, that is, a belief which has some justification, some reasonable basis. See Smith v. United States, 281 A.2d 438 (D.C.

App. 1971). Any instruction to the jury concerning the defense of belief in a right to remain would accordingly have to include the proviso that such a belief constitutes a valid defense only if it was reasonable under the circumstances.

II

Allied to the narrow "belief" argument, yet separate from it, is the broader contention implicit in much of defendants' evidence that their religious, philosophical, and ethical beliefs and the moral purposes they sought to express conferred upon them rights which override the rights protected by the unlawful entry law. ^{1/}

This defense theory was expressed in various ways. It appears most starkly from defendants' insistence that they had the right to continue to occupy part of the East Room for purposes of prayer, because they were engaged in prayer, in spite of the fact that they had been told by those in charge to leave; and, correlatively, that the authorities had no right to interrupt, even to demand that defendants leave, as long as defendants felt it necessary to remain. ^{2/}

^{1/} The defendants, two of whom represent themselves, may not have explicitly framed the issue in these precise terms, but their evidence did just that.

^{2/} The only deduction that can be drawn from this insistence is that in defendants' view their right to remain as long as they felt necessary overrides both the right of those in charge of the premises to order them out and the right of the authorities to have their right to control vindicated by means of the unlawful entry law.

The theory emerged again as all three defendants dwelt at length upon their religious affiliations and experiences and their individual reactions to the moral questions surrounding the Indochina hostilities. Based upon this background, they proclaimed a responsibility of conscience and a religious duty and hence a right to speak publicly ^{3/} by means of prayer on the war in Cambodia at the place they did, irrespective of objection by those in charge of the White House premises. ^{4/}

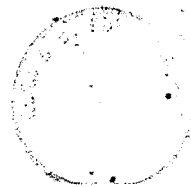
The view that defendants should be relieved of criminal liability on the ground that they acted at the command of conscience has considerable surface appeal. No one who listened to the testimony of these particular young people could help but be impressed by their sincerity, their dedication to religion and ideal, and the evident

^{3/} One or more of the defendants invited bystanders to join in their demonstration.

^{4/} This testimony would have had little, if any, relevance to this trial except in the context of a claim that their high purpose, and the religious means they chose to express that purpose, in support of what they asserted to be a just and moral cause, conferred upon the defendants a right which might not be enjoyed by others, with other and lesser purposes, means, and causes. The testimony is also irrelevant to the separate constitutional point, discussed infra, which does not depend upon defendants' special ethical and moral experiences and responsibilities. For if the "restricted" portion of the East Room is open to speech by virtue of the First Amendment, it is open to the scoundrel as well as to the man or woman of the highest moral principle and background.

selflessness in the undertaking that brought them to the White House on July 10. Whether or not one agrees with the actions of the United States in Cambodia now or in the past, one may properly recognize the courage and the ethics of individuals who proceed in a wholly non-violent manner and who are willing to risk arrest solely for reasons of deep conviction and with no conceivable possibility of personal advantage or gain. Yet in my view it would be a mistake to proceed from that recognition to the conclusion that their motives and their sincerity relieve the defendants of the consequences which the law prescribes for their acts.

The Court does not doubt that these defendants profoundly believe the hostilities in Cambodia to be wrong, and that they believe with equal sincerity that they have the right, indeed the obligation, to bring home to the American people the story of Cambodian suffering, if necessary by such actions as those revealed by the evidence in this case. Yet if that faith and that belief were to be accepted as a valid legal defense to the crime charged here, the belief and faith of others in other causes would surely have to be accorded the same treatment. We have been told recently that men in high places may have felt that it was necessary and appropriate to engage in perjury, burglary, or other offenses to save this Republic from what they believed to be terrible perils. There obviously are many others who



conscientiously and firmly hold other convictions that these defendants might find totally abhorrent. While this may be difficult for passionate believers in a particular cause to accept, the fact is that others, with wholly different purposes, may be equally sincere in their beliefs and may hold them with equal conscientiousness. ^{5/}

It is, however, quite obvious that a court--certainly a secular court--is not really capable of weighing the subtleties and relative sincerities of beliefs of this kind or their relative ethical worth, and that if it could do so it would to that extent abdicate the impartiality that is the fixed focus of the law. An ecclesiastical tribunal can make judgments on relative morality; a political court can prefer one set of beliefs over another; a court of law can hope to do no more and no less than to judge the acts and intentions of litigants against rules of law made by man.

It might be added that, in a society in which the laws are made by deliberative parliamentary bodies the members of which are freely elected by the people, it must be assumed that those laws are

^{5/} This does not mean that all causes are equally just; but only that individuals can with equal sincerity think them to be, or claim them to be, just.

at bottom an expression of the moral, ethical, and policy views of the people or at least a majority of them. In such a society there can be no justification for violations of the law--unless it be a moral justification in the tradition of Thoreau, Gandhi, and King, with full realization that appropriate legal sanctions must and will be imposed.

None of this should be taken to mean that motivations and purposes, to the extent that they are ascertainable, should be wholly disregarded in the legal process. In criminal cases, the gravity of the offense will be weighed at the time of sentencing, together with the character, background, and the apparent purposes of the offender. But to permit a man's claim that he acted in accordance with the dictates of his conscience to constitute a defense to an otherwise criminal act would lead the instruments of justice down from the certainties of the rule of law, equally and impartially applied to ascertainable facts, to an impossible search for motivations and beliefs. In that kind of a search, for which there could almost by definition be no objective standards, the courts, and hence the weight of government, would inevitably end up protecting those whose philosophy happened to be favored by the men in power at any given time, while finding wanting the purpose, the belief, and the sincerity of those who harbored an opposite viewpoint.

III

Defendants claim that the First Amendment protects them against application of the unlawful entry statute in the present situation, and they rely in support of this argument essentially upon a holding of this Court which opened the Capitol grounds to free speech and assembly. United States v. Nicholson, 97 Wash. L. Rep. 1213 (Greene, C.J., 1969), affirmed, 263 A.2d 56 (1970). In that case the Court decided that speech, even on subjects deemed controversial by the authorities, may not constitutionally be prohibited on the Capitol grounds unless there is interference with legitimate governmental activity. Compare Jeannette Rankin Brigade v. Chief of Capitol Police, 342 F.Supp. 575 (D.C.D.C. 1972).

Nicholson does indeed bear some factual resemblance to the instant case, involving as it did the arrest of members of a religious group who, because of their concern with the Vietnam war, were using the Capitol steps to read a list of the soldiers killed in that conflict. But the differences between the two situations far outweigh the similarities. The interior of the White House simply cannot be equated with the grounds surrounding the U.S. Capitol. Differences related to geography, to possible damage to furniture and furnishings, and to considerations of safety are so

apparent that to draw a parallel between the two situations would be simplistic. For an example of the kinds of distinctions that are appropriately drawn, compare Edwards v. South Carolina, 372 U.S. 279 (1963) with Adderly v. Florida, 385 U.S. 39 (1966).

This case does not involve such matters as intimidation, undue pressure, noise, or inconvenience ^{6/} which were the focus of the Court's holding in Nicholson. ^{7/} But in the particular setting of the interior of the White House, as Judge Charles Halleck aptly pointed out in an Order issued in connection with an earlier phase of this case, and with whose thoughtful analysis I fully agree, legitimate governmental action is likewise present when persons are requested to leave the areas that are closed to visitors and when they are arrested upon their failure to do so. Criminal No. 42250-73--
United States v. Magold (Halleck, J., Aug. 9, 1973).

There was testimony at this trial that certain parts of the White House are restricted and are not open to tourists and others

^{6/} Although the White House Police closed the Mansion and stopped the flow of tourists because of the incident precipitated by defendants' actions.

^{7/} The prosecution here explicitly disavowed reliance upon circumstances such as those, and accordingly it will not be heard on closing argument or in connection with the Court's charge to have the jury consider them.

(1) for reasons of personal security, and (2) to prevent damage to furniture and furnishings. The Court is unwilling to hold that it is constitutionally unreasonable of law enforcement authorities to make the judgment that, if adequate security is to be maintained, the thousands of persons who visit the White House daily must be limited to a relatively confined and easily observable area. Nor is this Court willing to dismiss as without rational basis, or as presenting no compelling circumstances (NAACP v. Button, 371 U.S. 415, 438 (1963)) law enforcement concerns with respect to the placement of explosives, listening devices, or other dangerous articles in areas which are not as readily subject to scrutiny and observation as those to which tourists are routinely admitted.

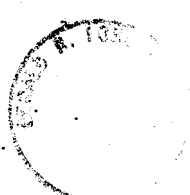
There is nothing in the Constitution to mandate that any citizen may make any part of any room of the White House ^{8/} his pulpit or his lectern. Nor is there anything in the First Amendment to compel the government to permit speech and prayer in the restricted portions

^{8/} Or any room on the lower floor.

of the White House when visitors generally are forbidden to go there, when there are legitimate reasons for the restriction, and when the rights involved can be exercised elsewhere around the Executive Mansion. See A Quaker Action Group v. Morton, 460 F.2d 854 (D.C. Cir. 1971).

The First Amendment is a sturdy and broad shield. Any limitation on the exercise of the rights it guarantees will be struck down unless it is clearly justifiable. At the same time, our age is one in which infringements on the rights of citizens because of the demands of security seem to flourish and grow. But--and this is especially true in light of the tragic history of the assassination of four U.S. Presidents--none of this should lead us to conclude that the government is constitutionally compelled to allow anyone to roam the inside of the Executive Mansion if only he proclaims, truthfully or not, that his purpose is free speech or religious expression.

Defendants' aims and intentions may have been and undoubtedly were what they professed them to be. But without an elaborate system of prior investigations and security clearances the Secret Service could obviously never know whether the members of the next group of visitors, or the one after that, who decided to proceed



to the restricted portions of the East Room, or the Blue Room, or the State Dining Room, ostensibly to engage in prayer, were not actually there for a more sinister purpose.

Based upon these considerations, I am of the view that the restrictions here imposed, which apply alike to all visitors, constitute a constitutional exercise of governmental authority.

IV

For the reasons stated, the motions for judgments of acquittal are denied, and the cases will be submitted to the jury for its determination of the factual issues.

Harold H. Greene
Chief Judge

August 13, 1973

Judges Charge to Jur

Defendants have raised as a defense to this charge that they believed they had a right to remain at the place where they were arrested. I charge you that a belief in the right to remain on someone else's property is a valid defense to a charge of unlawful entry, provided that this belief has some justification, some reasonable basis. For example, if you should conclude that because of the absence of a specific sign, the defendants believed that they could step over the ropes, and further that they did not hear or understand the officer's demand that they leave, and that they therefore believed that they had the legal right to remain, and if you should also conclude that there was some reasonable basis for these beliefs, then you must find the defendants not guilty.

In other words, if you should conclude, first, that the defendants believed they had a right to remain where they were, and second, that this belief had some reasonable basis, you must find the defendants not guilty. On the other hand, if you conclude either that they did not believe that they had a right to remain, or that even if they so believed this belief was not a reasonable one, you may find the defendants guilty, provided, of course, that you conclude that the prosecution has proved all of the elements of the offense of unlawful entry as I gave them to you beyond a reasonable doubt.

On the defense of a belief in a right to remain, the burden is also on the prosecution. It is up to the government to prove beyond a reasonable doubt that the defendants did not believe they had a right to remain and that this belief was not a reasonable belief under all the circumstances.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Criminal Division

UNITED STATES OF AMERICA]	
v.]	
MERRIE L. MANGOLD	]	Criminal No. 42250-73
KEVIN D. CLEARY	]	40453-73
MARGARET E. KERR	]	40454-73
MITCHELL SNYDER	]	41655-73
GERARD J. GAENG	]	40483-73
MARJORIE A. CLEMENT	]	42186-73
EDWARD GUINAN	]	41587-73
JILL J. ROSE	]	42196-73
EARL L. TORREY	]	42198-73
STEPHEN E. MURRAY	]	42199-73

ORDER

Defendants in the cases now before the court have been charged with a violation of D.C. Code Sec. 22-3102, known as the unlawful entry statute, ^{1/} in that they are charged with entering or attempting to enter the White House against the will of the United States Government, the person lawfully in charge, or the lawful occupant thereof. These present defendants have filed motions seeking dismissal of the cases on the ground that their conduct at the White House which brought about these charges is absolutely protected by the First Amendment. The court heard testimony at the hearing on these motions. In addition, on the following day, in the cases of United States v. Rován Hernsdorfer, Criminal No. 40815-73, and United States v. Wade Wright, Criminal No. 40819-73, which were tried by the court without a jury, the court had the benefit of additional testimony. Lieutenant Edwin E. Elgin, of the White House

1/ Sec. 22-3102 provides:

Any person who, without lawful authority, shall enter, or attempt to enter, any public or private dwelling, building or other property, or part of such dwelling, building or other property, against the will of the lawful occupant or of the person lawfully in charge thereof, or being therein or thereon, without lawful authority to remain therein or thereon shall refuse to quit the same on the demand of the lawful occupant, or of the person lawfully in charge thereof, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding \$100 or imprisonment in the jail for not more than six months, or both, in the discretion of the court.

detail of the Executive Protection Service, testified in the instant hearings. At the trial of Wernsdorfer and Wright, the acting senior officer of the Executive Protection Service at the White House, Captain Walzel testified, as did two other officers of the force. A memorandum from John W. Dean III was introduced as well.^{2/}

From all of the testimony presented in these cases, the court has been able to obtain a very clear picture of the standards which the White House police apply to the conduct of visitors.^{3/} Pursuant to the direction of the President, the White House is open to visitors five days a week from 10 a.m. to 12 noon, and on Saturdays from 10 a.m. to 2 p.m. At noon an officer goes to the end of the line which then might be as far away at 17th Street, and moves forward. When that officer reaches the East Gate, the gate is closed and no further visitors are admitted. The ultimate admission and completion of the tour by those persons in line in front of that officer might last until 2 p.m. At the entrance to the grounds the only sign posted indicates the usual visiting hours, i.e., 10 a.m. until noon. No other instructions regarding allowable areas of visit or rules of permitted conduct are posted.

2/

This memorandum indicated that the President had directed that for the purposes of Sec. 22-3102, the commander of the White House detail of the Executive Protective Service is the "person lawfully in charge" of the White House. The court notes that the informations in these cases specifically charge that the defendants "without lawful authority attempted to enter and entered certain property consisting of White House - 1600 Pennsylvania Ave. against the will of the United States Government, the person lawfully in charge thereof and the lawful occupant thereof. . . ." Of course, the "United States Government", in the immortal words of a former lawful occupant of the premises, Abraham Lincoln, is "of the people, by the people, and for the people." It is apparent that none of these cases involve a claim by the prosecution that any of these defendants initially entered the White House without lawful authority. To the extent that the information alleges that the person lawfully in charge of the White House is the "United States Government" it is fatally defective. Unless the Government seeks an appropriate amendment and such amendment is allowed, these informations are deficient as a matter of law, and clearly fail to state an offense. In their present form, unamended, these informations would have to be dismissed.

3/

The application of trespass statutes to Government buildings opened to public access must be predicated on evenly enforced standards governing visitor conduct. United States v. Nicholson, 97 Wash.L.Rep. 1213, affirmed 263 A.2d 56 (D.C.App. 1970). See generally Cox v. Louisiana, 379 U.S. 536 (1955); Shuttlesworth v. Birmingham, 394 U.S. 147 (1969); Gregory v. Chicago, 394 U.S. 111 (1959); Grayned v. Rockford, 408 U.S. 104 (1972).

Inside the building itself the areas in which tourists are expected to move are marked off by limiting velvet ropes. These ropes are situated so that in those rooms in which public visitors are allowed it appears that only certain areas may be traversed by visitors, although there are no posted instructions advising tourists that they must remain within such limited areas.

Lt. Elgin testified that there was no limitation, other than the noon closing hour, ^{4/} on how long a visitor could remain within the White House. He indicated it was his understanding that a visitor could stop at any point and stand, viewing any particular part of the White House, for as long as he wished. It is only required that the visitor leave at the closing hour. The most usual point of long delay was at the portrait of Mrs. Jacqueline Kennedy Onassis. There are other points of interest at which visitors often linger for substantial periods of time. Captain Walzel, in his testimony at the trial of Wernsdorfer and Wright, stated that the length of time tourists could linger at any spot might be governed by the number of tourists behind in the line, and indicated that if the crowd was backed up and pressing the lingerers forward then they could not remain. However, he testified that a halt at any one place, even in a very crowded situation, for two or three or four minutes would be allowed. In a lighter condition of tourist traffic, longer halts or lingering would be allowed. In essence, the Captain testified that the controlling determination would be whether the lingering or halting at any particular spot seriously impeded the other tourists in their passage through the White House. The essence of the testimony of these senior police officers is that a tourist or a visitor may take as long as he or she likes in going through the White House, so long as he does not substantially or materially block or obstruct the area so as to prevent the passage of other tourists. It is conceded that some tourists may be fascinated by some part of the White House which will cause them to pause, while others may have no interest in that place and will pass on by. Furthermore, although it

^{4/} Whittlesey v. United States, 221 A.2d 86 (D.C.App. 1966), is not dispositive of the present motions. In Whittlesey, the defendants refused to leave the White House and remained in the building long past the close of regular visiting hours. All the defendants in the instant cases, however, were arrested during hours in which the building was open to public access, and their arrests, to be lawful, must be based upon the violation of some other visitor regulation.

might seem obvious to some that the velvet ropes are intended to indicate the boundaries of the areas in which tourists are allowed, there is no public notice or instruction that advises - tourists that they must remain behind the velvet ropes in the rooms in which the public is allowed.

Without exception, the White House police testified that there are no limitations on what any visitor to the White House may say, nor are there any restrictions on topics of conversation or discussion. There are no restrictions of any sort on how long a visitor may talk to anyone else, nor are there any restrictions on the tone of voice. However, it seems clear that shouting or yelling, or mouthing of vulgar obscenities, or shouting "fire" in a crowded room would plainly not be allowed. These excesses are plainly beyond any First Amendment protection. Cf. Booker v. United States, 283 A.2d 446 (D.C.App. 1971). However, the officers seemed fully and completely aware of the First Amendment rights of a citizen touring through the White House. So long as the visitor remains within the proper area, and conducts himself in a peaceful manner that does not impede or obstruct his fellow visitor from the enjoyment of the same rights, what a visitor says, or the way in which he says it, is of absolutely no consequence. Visitors, with perfect freedom and impunity, may criticize administration policies, or individuals in the administration, or may discuss or talk about any subject at all. Presumably, according to the testimony, the only limitation is equated to the disorderly conduct statutes which would forbid certain loud, obscene, or outrageous conduct. So long as speech or conduct is carried on in the public areas during proper visiting hours, and does not substantially interfere with the rights of passage of other tourists, and does not occur in restricted or prohibited areas (beyond the limits of the velvet ropes, or in rooms or other areas not open to the visiting public) it will not provide a basis for expulsion from the White House.

The officers also testified that in the event a visitor, or a child, went beyond the area designated by the velvet ropes, that person or persons would be politely advised that they were in a restricted area, and would be asked to return to that portion of the room which was bounded by the velvet ropes. Since no prior sign or notification of such limits was posted, the officers stated they would request that the visitor return to the proper area and continue with the tour.

Given the above testimony, it seems clear that there are two major instances in which White House Police would be justified in ordering a visitor who had come in during regular visiting hours to leave the White House. The first instance would be in the case of a person or persons who had ventured into a restricted area, and after being advised of that fact, and asked to return to a proper area, maintained in a refusal to leave such an area. In that event, upon such refusal, the individual could properly be ordered to leave the building, and upon his refusal, arrested for Unlawful Entry.

The other circumstance would arise in the event some tourist or tourists, while in the proper area for visitors, persisted in standing, kneeling or otherwise remaining at one spot beyond a period of at least three or four minutes, and under circumstances such that the ability of other tourists to pass by on the tour was substantially interfered with. It is allowable for tourists to pause or delay at any point, and other tourists have the right to pass by if they do not wish to pause at that point. Therefore, to justify an order to leave the building, it would be necessary to show that the conduct of the tourist or tourists was such that the passage of other tourists was blocked or substantially impeded by the pause of the person in question. Clearly, any speech or other First Amendment protected discussion would be totally irrelevant to such a determination. The fact that visitors might pause or halt in the visitors' area and talk about the quality of the Grand Piano in the East Room, or the beauty of the Former First Lady's portrait, or the beauty of the rose garden, or the extent of accidental killing of civilians by our bombing in Cambodia, or a recitation of the Magnificat or the Lord's Prayer or the Twenty Third Psalm or any other thing or subject is completely irrelevant to the determination of whether such visitors are in a restricted area and refuse to leave after being so advised, or whether the conduct of the visitors is such that it substantially deters or blocks other tourists from their right to pass on through to see those things which interest them, and to talk about those subjects or persons which are of interest or concern to them.^{5/}

^{5/}

Of course, the defendants should not be penalized if premature action or over-reaction by the police works to impede other visitors.



The White House is, of course, not merely the residence of the First Family when they are in Washington. It contains offices, and also in many of its parts represents a public monument not unlike the Capitol or the Lincoln Memorial or the Jefferson Memorial. Its character as a national shrine, and a part of our national culture and heritage is clearly described in at least three publications which are offered for sale at the White House itself. As such; and to that extent, it belongs to the people as much as it belongs to the President.

The President would have no right to attach a condition to a visitation by a citizen which required that all that citizen said and did in the White House was in agreement with the policies of the incumbent President. No doubt the President would have the right to order from those parts of the White House that comprise the private dwelling quarters of the First Family any person who expressed any view at odds with the President. But the visitors who stand in line daily outside the White House are not admitted to the private quarters of the President. They are admitted to that part of the structure which is not such private quarters, and which is a part of the White House that comprises what Mrs. Nixon called "this residence belonging to all Americans and the home of the Presidential families since 1800." The fact that the blessing of God is consistently sought by the occupants of the White House is exemplified by the inscription on the mantle in the State Dining Room, taken from a letter written by John Adams on his second night in the house, and ordered inscribed by President Franklin Roosevelt for all who passed to see:

"I pray Heaven to Bestow the Best of Blessings on THIS
HOUSE and on All That Shall Hereafter Inhabit It. May
none but honest and wise men ever rule under This Roof."

Indeed, the East Room is customarily used for Church and Prayer services.

In an earlier era, President Lincoln opened the White House on a weekly basis, and personally met with visitors to greet them and hear their concerns. Indeed, the words of President Lincoln, at his second inaugural address, now inscribed on the wall of the Lincoln Memorial, provide firm guidance to those of us today who must concern ourselves with the criminal prosecution of those who pray for an end to bombing, and war, and bloodshed: "With malice toward none; with charity

for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds. . . ."

The heritage of those temporary tenants of the White House is one of prayer, of humility, of a constant seeking for an end to war and killing and bloodshed, and for the search for an eternal peace under God in which each of us, as fellow human beings, can live in peace and harmony with his fellow men. This court is firmly convinced that no person in authority in the White House today would seek to arrest any visitor simply because he prayed for peace and for an end to the taking of innocent civilian human life in Southeast Asia.^{6/} Clearly,

the testimony reflects that the only considerations are those which the court has discussed above.^{7/} For this reason, the court must deny the motions on the ground that the arrests in these cases cannot be predicated upon the content of the words or statements of these defendants, but must rest on a basis other than that, namely, situations in which visitors placed themselves in restricted or prohibited areas and refused to move to proper areas for tourists when so requested, or situations in which it can be proved that defendants halted or paused in areas properly open to visitors during regular visiting hours in such a position, or in such large numbers, that they effectively and substantially blocked or impeded other visitors behind them from getting by in order to go on with their own visit.

Judge Charles W. Halleck

August 9, 1973

^{6/}

Prayer, of course, is a particularly peaceful and appropriate form of public discourse. See Kelly v. Page, 335 F.2d 114, 118 (5th Cir. 1964); cf. Edwards v. South Carolina, 372 U.S. 229 (1963).

^{7/}

Nothing in this order should be construed to preclude any action taken by the officers of the Executive Protection Service or the Secret Service to protect the physical integrity and security of the President, the First Family, or any White House personnel. Nothing in this order is intended to interfere with the removal of persons who threaten the security of any person in the White House, or who present any danger to other persons in the White House. This order pertains only to the standards of visitor regulation which underlie prosecutions for Unlawful Entry at the White House.

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sent to
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Eva -

for Skip -
Comments?

My



DEPARTMENT OF THE TREASURY

UNITED STATES SECRET SERVICE

WASHINGTON, D.C. 20223

September 13, 1974

OFFICE OF THE DIRECTOR

MEMORANDUM

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

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

Subject : Unlawful Entry Statute

Attached you will find correspondence in which the former administration had designated the Chief of the Executive Protective Service or a person acting in that capacity, or in his absence, the senior officer of the Executive Protective Service on duty as "the person lawfully in charge", for purposes of Section 824 of the Code of Laws of the District of Columbia with respect to any and all parts of the Executive Residence and grounds and with respect to any or all parts of any other building in which the White House offices are located.

Your concurrence and/or comments on this matter is requested in order to update our files and to insure efficient handling of the situation should it arise.

Clinton J. Hill

Attachment: a/s



THE WHITE HOUSE

WASHINGTON

Feb
1971
11/14

August 3, 1970

MEMORANDUM FOR:

Chief
Executive Protective Service

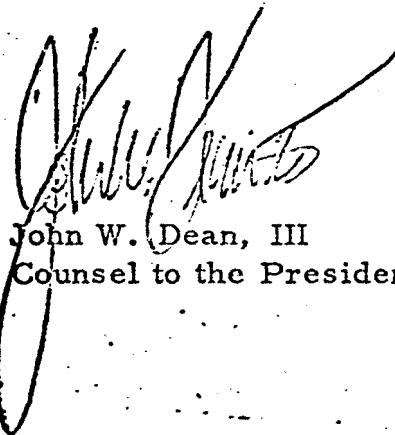
Section 824 of the Code of Laws of the District of Columbia
(D. C. Code 22-3102) reads as follows:

"SEC. 824. UNLAWFUL ENTRY ON PUBLIC OR
PRIVATE PROPERTY---Any person who, without
lawful authority, shall enter, or attempt to enter,
any public or private dwelling, building or other
property, against the will of the lawful occupant or
of the person lawfully in charge thereof, or being
therein or thereon, without lawful authority to remain
therein or thereon shall refuse to quit the same on
the demand of the lawful occupant, or of the person
lawfully in charge thereof, shall be deemed guilty of
a misdemeanor, and on conviction thereof shall be
punished by a fine not exceeding \$100 or imprisonment
in the jail for not more than six months, or both, in
the discretion of the court."
(Underscoring added.).

In the past, certain persons entered the White House as visitors,
or gathered at White House entrances, and then refused to leave
when requested to do so. They were arrested for violating the
"refuse to quit" provisions of Section 824. During the subsequent
judicial proceedings, a question arose as to which official was
authorized to make a demand, for the purposes of Section 824,
that persons quit the White House and its grounds.



In order to obviate any doubt concerning this matter, and to confirm existing long-standing assignments of authority in this respect, the President has directed me to notify you that he has designated the Chief of the Executive Protective Service (or the person acting in that capacity), or, in his absence, the senior officer of the Executive Protective Service on duty, as "the person lawfully in charge" for the purposes of Section 824 of the Code of Laws of the District of Columbia (D. C. Code 22-3102) with respect to any and all parts of the Executive Residence and grounds and with respect to any or all parts of any other building in which the White House offices are located.

A large, stylized handwritten signature in dark ink, appearing to read 'John W. Dean, III', is written over the typed name and title.

John W. Dean, III
Counsel to the President





DEPARTMENT OF THE TREASURY

UNITED STATES SECRET SERVICE

WASHINGTON, D.C. 20223

OFFICE OF THE DIRECTOR

September 13, 1974

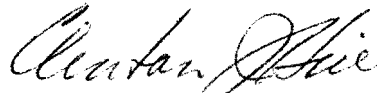
MEMORANDUM

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

EXECUTIVE PROTECTIVE SERVICE 600.0

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.

DISTRIBUTION

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WATCH CMDR - FM	✓	T/A SECTION	✓
ID (PFI)	✓	G-9	✓
IAIC - EPS	✓	CONTROL CENTER - WH	✓
TRNG. DIV	2	POSTS G-1-A-4	✓

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

ELD:CWH:tlt

THE WHITE HOUSE

WASHINGTON

January 13, 1975

MEMORANDUM FOR:

CHIEF DRESCHER
EXECUTIVE PROTECTIVE SERVICE

FROM:

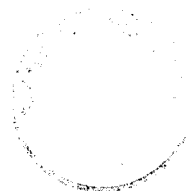
PHILIP W. BUCHEN

P.W.B.

SUBJECT:

UNLAWFUL ENTRY OF
EXECUTIVE MANSION AND GROUNDS

You are hereby informed that the President has designated the Chief of the Executive Protective Service (or the person acting in that capacity) or, in his absence, the senior officer of the Executive Protective Service on duty, 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 824 of the Code of Laws of the District of Columbia.



THE WHITE HOUSE

WASHINGTON

January 13, 1975

MEMORANDUM FOR:

CHIEF DRESCHER
EXECUTIVE PROTECTIVE SERVICE

FROM:

PHILIP W. BUCHEN *P.W.B.*

SUBJECT:

UNLAWFUL ENTRY OF
EXECUTIVE MANSION AND GROUNDS

You are hereby informed that the President has designated the Chief of the Executive Protective Service (or the person acting in that capacity) or, in his absence, the senior officer of the Executive Protective Service on duty, 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 824 of the Code of Laws of the District of Columbia.



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.

Gerald R. Ford



THE WHITE HOUSE

WASHINGTON

January 13, 1975

MEMORANDUM FOR:

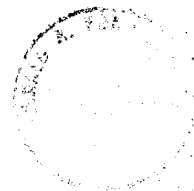
PHILIP W. BUCHEN

FROM:

THE PRESIDENT

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Ronald R. Ford



January 13, 1975

MEMORANDUM FOR:

PHILIP W. BUCHEN

FROM:

JAY FRENCH

SUBJECT:

UNLAWFUL ENTRY STATUTE

I propose the following amended drafts concerning the designation of Chief Drescher of the Executive Protective Service as the "person lawfully in charge" within the meaning of Section 842 of the D. C. Code.

Additionally, I suggest the Vice President make a similar designation with regard to the Vice President's home and Vice Presidential offices located in buildings not protected by the President's designation.

JF:pk



January 13, 1975

MEMORANDUM FOR:

CHIEF DRESCHER
EXECUTIVE PROTECTIVE SERVICE

FROM:

PHILIP W. BUCHEN

SUBJECT:

UNLAWFUL ENTRY OF
EXECUTIVE MANSION AND GROUNDS

You are hereby informed that the President has designated the Chief of the Executive Protective Service (or the person acting in that capacity) or, in his absence, the senior officer of the Executive Protective Service on duty, 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 824 of the Code of Laws of the District of Columbia.

JF:pk/for PWB



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 824 of the Code of Laws of the District of Columbia.

JFrpk/for PWB/for President



UNITED STATES GOVERNMENT

U. S. SECRET SERVICE

Memorandum

TO : Chief Drescher - Executive Protective Service

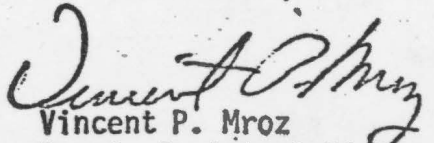
DATE: August 1, 1973

FROM : DAD Mroz - Protective Forces (EPS)

601.0 (EPS)

SUBJECT: Unlawful Entry Statute

As requested in the staff meeting of July 31, 1973 attached are two copies of a memorandum directed to the Chief of the Executive Protective Service from John W. Dean, III, Counsel to the President, dated August 3, 1970 advising that the President has designated the Chief of the Executive Protective Service or a person acting in that capacity, or, in his absence, the senior officer of the Executive Protective Service on duty, as "the person lawfully in charge" for the purposes of Section 824 of the Code of Laws of the District of Columbia with respect to any and all parts of the Executive Residence and grounds and with respect to any or all parts of any other building in which the White House offices are located.


Vincent P. Mroz
Deputy Assistant Director
Protective Forces

Attachments: a/s



THE WHITE HOUSE
WASHINGTON

August 3, 1970

MEMORANDUM FOR:

Chief
Executive Protective Service

Section 824 of the Code of Laws of the District of Columbia
(D. C. Code 22-3102) reads as follows:

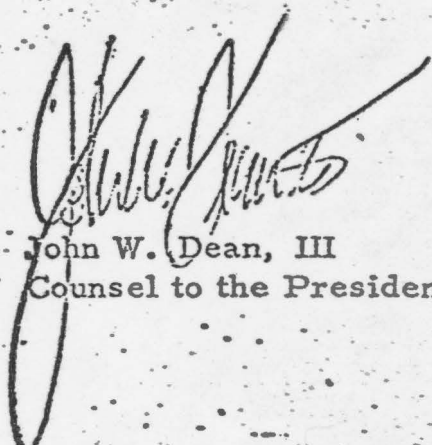
"SEC. 824. UNLAWFUL ENTRY ON PUBLIC OR
PRIVATE PROPERTY---Any person who, without
lawful authority, shall enter, or attempt to enter,
any public or private dwelling, building or other
property, against the will of the lawful occupant or
of the person lawfully in charge thereof, or being
therein or thereon, without lawful authority to remain
therein or thereon shall refuse to quit the same on
the demand of the lawful occupant, or of the person
lawfully in charge thereof, shall be deemed guilty of
a misdemeanor, and on conviction thereof shall be
punished by a fine not exceeding \$100 or imprisonment
in the jail for not more than six months, or both, in
the discretion of the court."

(Underscoring added.)

In the past, certain persons entered the White House as visitors,
or gathered at White House entrances, and then refused to leave
when requested to do so. They were arrested for violating the
"refuse to quit" provisions of Section 824. During the subsequent
judicial proceedings, a question arose as to which official was
authorized to make a demand, for the purposes of Section 824,
that persons quit the White House and its grounds.



In order to obviate any doubt concerning this matter, and to confirm existing long-standing assignments of authority in this respect, the President has directed me to notify you that he has designated the Chief of the Executive Protective Service (or the person acting in that capacity), or, in his absence, the senior officer of the Executive Protective Service on duty, as "the person lawfully in charge" for the purposes of Section 824 of the Code of Laws of the District of Columbia (D. C. Code 22-3102) with respect to any and all parts of the Executive Residence and grounds and with respect to any or all parts of any other building in which the White House offices are located.



John W. Dean, III
Counsel to the President



THE WHITE HOUSE

WASHINGTON

1/14/75

Eva,

These are corrected copies of the
memos previously sent for your
files.

Jay hand carried the originals to
Mr. Buchen and brought the copies
back.

Thanks.

PK



January 13, 1975

MEMORANDUM FOR:

PHILIP W. BUCHEN

FROM:

JAY FRENCH

SUBJECT:

UNLAWFUL ENTRY STATUTE

I propose the following amended drafts concerning the designation of Chief Dresser of the Executive Protective Service as the "person lawfully in charge" within the meaning of Section 842 of the D. C. Code.

Additionally, I suggest the Vice President make a similar designation with regard to the Vice President's home and Vice Presidential offices located in buildings not protected by the President's designation.

JF:pk



January 13, 1975

MEMORANDUM FOR:

CHIEF DRESCHER
EXECUTIVE PROTECTIVE SERVICE

FROM:

PHILIP W. BUCHEN

SUBJECT:

UNLAWFUL ENTRY OF
EXECUTIVE MANSION AND GROUNDS

You are hereby informed that the President has designated the Chief of the Executive Protective Service (or the person acting in that capacity) or, in his absence, the senior officer of the Executive Protective Service on duty, 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 824 of the Code of Laws of the District of Columbia.

JF:pk/for PWB

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 824 of the Code of Laws of the District of Columbia.

JFpk/for PWB/for President



January 13, 1975

MEMORANDUM FOR:

PHILIP W. BUCHEN

FROM:

JAY FRENCH

SUBJECT:

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JF:pk

January 13, 1975

MEMORANDUM FOR:

CHIEF DRESCHER
EXECUTIVE PROTECTIVE SERVICE

FROM:

PHILIP W. BUCHEN

SUBJECT:

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JF:pk/for PWB

January 13, 1975

MEMORANDUM FOR:

PHILIP W. BUCHEN

FROM:

THE PRESIDENT

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JF:pk/for PWB/for President

January 13, 1975

MEMORANDUM FOR:

PHILIP W. BUCHEN

FROM:

JAY FRENCH

SUBJECT:

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JF:pk



January 13, 1975

MEMORANDUM FOR:

CHIEF DRESCHER
EXECUTIVE PROTECTIVE SERVICE

FROM:

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JF:pk/for PWB

January 13, 1975

MEMORANDUM FOR:

PHILIP W. BUCHEN

FROM:

THE PRESIDENT

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JF:pk/for PWB/for President

Tuesday 1/14/75

11:50 Jay brought this over -- it is a revision of the one he brought yesterday.

The trial is to be January 16 -- in the Superior Court of D. C.

If they had these papers in hand and if the questions were raised, it would assist the prosecutor.



THE WHITE HOUSE


WASHINGTON

January 13, 1975

MEMORANDUM FOR:

PHILIP W. BUCHEN

FROM:

JAY FRENCH 

SUBJECT:

UNLAWFUL ENTRY STATUTE

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THE WHITE HOUSE

WASHINGTON

January 14, 1975

MEMORANDUM FOR: Jerry Jones
FROM: Phil Buchen *P.W.B.*
SUBJECT: Authority under Unlawful
Entry Statute as it involves Mansion
and Presidential offices

Kindly request President to sign the attached memorandum.

The EPS has recently had to make arrests of intruders in the White House and at trials of the defendants, their attorneys may raise defense of the EPS authority, which this memorandum and one I shall issue will correct. The former President's Counsel followed a similar course, but without a known back-up delegation of authority.

Because first trial may come as early as January 16, would like prompt action.

cc: Don Rumsfeld



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 824 of the Code of Laws of the District of Columbia.

Tuesday 1/14/75

7:45 In view of your statement that you will issue
a memo, will you wait for the President's
directive to you -- before sending out a memo?

*Yes, unless
the trial
calls for me
to hurry it.*



THE WHITE HOUSE

WASHINGTON

January 14, 1975

MEMORANDUM FOR: Jerry Jones
FROM: Phil Buchen *P.W.B.*
SUBJECT: Authority under Unlawful
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THE WHITE HOUSE
WASHINGTON

January 13, 1975

MEMORANDUM FOR: PHILIP W. BUCHEN
FROM: THE PRESIDENT

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Jan. 17, 1975

To: Jay

From: Eva

**Attached are the originals of
the President's memorandum
for Mr. Buchen and Mr. Buchen's
memorandum to Chief Drescher.**



THE WHITE HOUSE

WASHINGTON

January 14, 1975

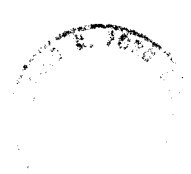
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FROM: Phil Buchen *P.W.B.*
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THE WHITE HOUSE

WASHINGTON

January 13, 1975

MEMORANDUM FOR: PHILIP W. BUCHEN

FROM: THE PRESIDENT

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H. R. Ford

THE WHITE HOUSE

WASHINGTON

January 27, 1975

MEMORANDUM FOR: PHIL BUCHEN

FROM: DICK CHENEY

D

Phil, attached is a memo that you kicked into the system January 14th concerning the legal authority of the Chief of the Executive Protective Service. I assume this is taken care of.

If it's not, get back to me and I'll get a Presidential signature.

Attachment

This is all taken care of.

THE WHITE HOUSE

WASHINGTON

January 14, 1975

*has Pres.
signed it*

MEMORANDUM FOR: Jerry Jones

FROM: Phil Bucher *P.W.B.*

SUBJECT: Authority under Unlawful
Entry Statute as it involves Mansion
and Presidential offices

Kindly request President to sign the attached memorandum.

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cc: Don Rumsfeld ✓

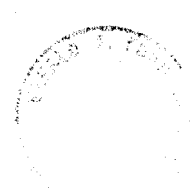


THE WHITE HOUSE
WASHINGTON

January 13, 1975

MEMORANDUM FOR: PHILIP W. BUCHEN
FROM: THE PRESIDENT

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THE WHITE HOUSE
WASHINGTON

DATE: March 26, 1975

TO: PHILIP W. BUCHEN

FROM: JAY FRENCH *OF*

It is my thought that Bill Casselman
and I should sit through the proposed
presentation and report to you.

Approved.
P.



Stephen S. Gardner

*Ready to
sign*
March 14, 1975

TO: Phil Buchen

Attached is a memorandum about the subject of White House security which I brought up at a staff meeting some time ago. It summarizes some improvements that the Secret Service believes are essential.

I think it is important that our people make the presentation described in the last paragraph so that you and Don Rumsfeld will have all of the facts.

Stephen S. Gardner
SSG

cc: Don Rumsfeld

The Deputy Secretary of the Treasury

Room 3326

Ext. 2801



WITHDRAWAL SHEET (PRESIDENTIAL LIBRARIES)

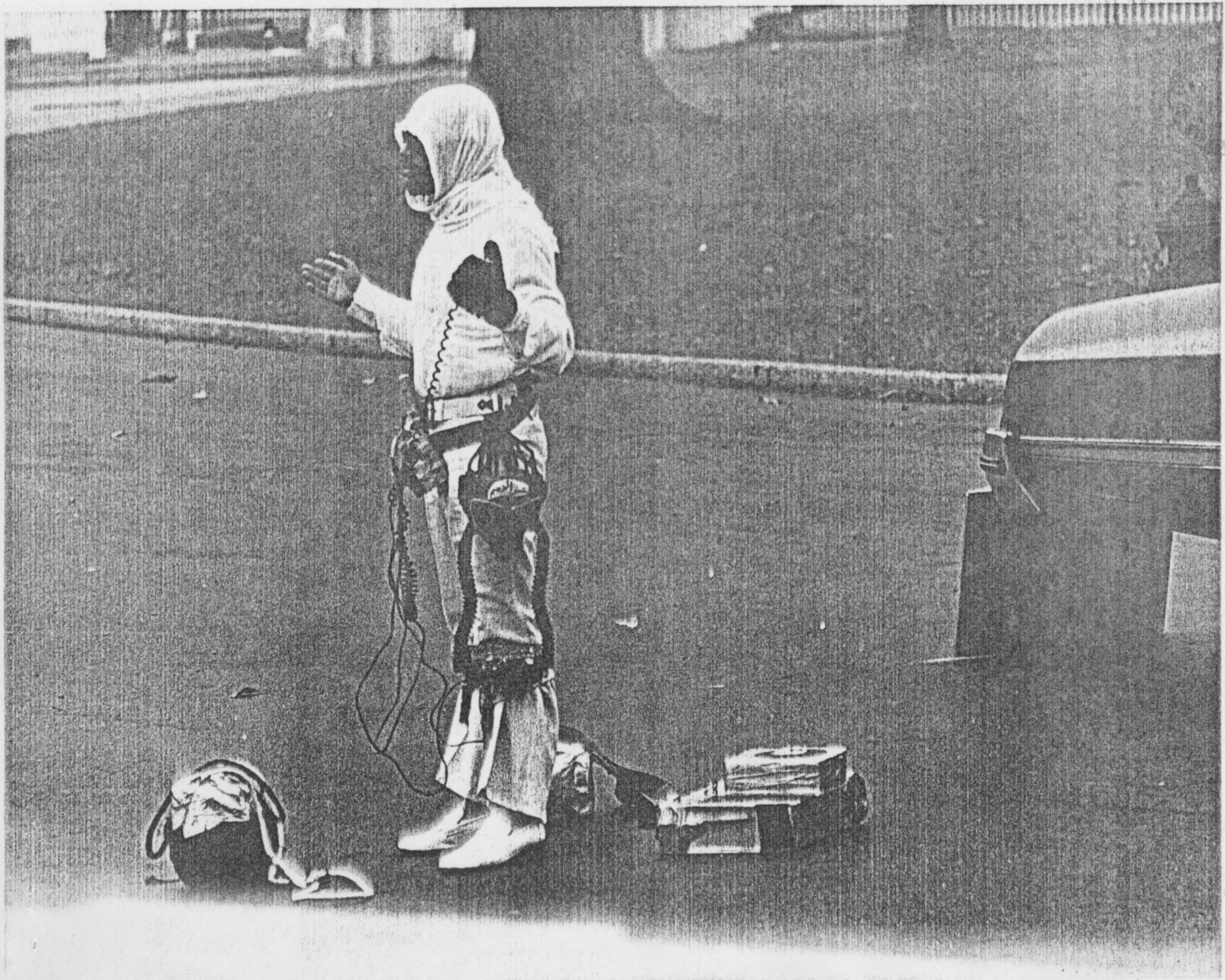
FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
Memo	White House Security Improvements (2 Pages)	3/19/1975	B

File Location:

Philip Buchen Files, Box 58, Protection - Unlawful Entry Statute / TMH / 5/17/2016

RESTRICTION CODES

- (A) Closed by applicable Executive order governing access to national security information.
(B) Closed by statute or by the agency which originated the document.
(C) Closed in accordance with restrictions contained in the donor's deed of gift.



THE WHITE HOUSE
WASHINGTON

April 9, 1975

Phil,

There is some question as to whether GSA can legitimately bear the costs of installing the EOB driveway gates (\$80,000 - \$90,000). Under P.L. 92-313 the costs of improvements to buildings over which GSA has jurisdiction must be borne by the occupying agency as part of the Standard Level User Charge. The Administrator does have authority to make exemptions from such charges when he determines that they would be infeasible or impracticable. However, to the extent such an exemption is granted, GSA must reimburse the Federal Buildings Fund for any loss of revenue. Hence, the question for Jerry Jones, is whether the budget can stand another \$90,000 dent or, in the alternative, whether the Administrator can be prevailed upon to cover this expense.

16



THE WHITE HOUSE

WASHINGTON

April 9, 1975

MEMORANDUM TO: PHILIP W. BUCHEN

THROUGH: WILLIAM CASSELMAN *W.C.*

FROM: JAY T. FRENCH *JTF*

*(See
Security
Comments)*

On April 8, Bill Casselman and I attended a briefing given by the U.S. Secret Service at which two improvements for White House complex security were discussed. These measures are reinforcement of all White House - EOB driveway gates, and installation of electronic screening devices in the tourist line. These systems are described in greater detail in the attached memo from the Deputy Secretary of the Treasury.

The Treasury Department and its subordinate agency, the Secret Service, and the National Park Service are in favor of these proposals. The Commission of Fine Arts and the General Services Administration have not been asked yet for their approval which is required. However, it is anticipated that their approval will be given readily.

The cost of these improvements will be:

- a. Gates-
 - National Park Service 340,000-400,000
 - General Services Administration 80,000- 90,000
- b. Electronic Screening-
 - Treasury Department (or GSA) 100,000

The White House will not have to pay any part of the cost. If funds are obtained, the project could begin within seven weeks, and it could be completed within another period of thirty-five weeks.



Bill and I are in agreement that the Counsel's office should give approval to these proposals. However, prior to the Counsel's office taking any action, we recommend that the Visitor's Office, and the Usher's office provide us with their views. Contact with these offices has been initiated and after they have viewed the presentation, they will contact me to discuss their thoughts. Thereafter, you might want to talk with the First Lady and the President about these suggestions.



THE WHITE HOUSE
WASHINGTON

April 11, 1975

Jay,

Mr. Buchen has reviewed the attached and suggests that you and Bill complete the action -- take up with Jerry, etc.

Shirley

Attachment

Protection
E 15



THE WHITE HOUSE

WASHINGTON

April 9, 1975

Phil,

There is some question as to whether GSA can legitimately bear the costs of installing the EOB driveway gates (\$80,000 - \$90,000). Under P.L. 92-313 the costs of improvements to buildings over which GSA has jurisdiction must be borne by the occupying agency as part of the Standard Level User Charge. The Administrator does have authority to make exemptions from such charges when he determines that they would be infeasible or impracticable. However, to the extent such an exemption is granted, GSA must reimburse the Federal Buildings Fund for any loss of revenue. Hence, the question for Jerry Jones, is whether the budget can stand another \$90,000 dent or, in the alternative, whether the Administrator can be prevailed upon to cover this expense.

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THE WHITE HOUSE
WASHINGTON

April 9, 1975

MEMORANDUM TO: PHILIP W. BUCHEN

THROUGH: WILLIAM CASSELMAN *W.C.*

FROM: JAY T. FRENCH *JTF*

*See
Security
Committee*

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