

The Protection of the President

IN THE 100 years since 1865 four Presidents of the United States have been assassinated—Abraham Lincoln, James A. Garfield, William McKinley, and John F. Kennedy. During this same period there were three other attacks on the life of a President, a President-elect, and a candidate for the Presidency, which narrowly failed: on Theodore Roosevelt while campaigning in October of 1912; on President-elect Franklin Delano Roosevelt, when visiting Miami on February 15, 1933; and on President Harry S. Truman on November 1, 1950, when his temporary residence, Blair House, was attacked by Puerto Rican Nationalists.¹ One out of every five Presidents since 1865 has been assassinated; there have been attempts on the lives of one out of every three.

Prompted by these dismaying statistics, the Commission has inquired into the problems and methods of Presidential protection in effect at the time of President Kennedy's assassination. This study has led the Commission to conclude that the public interest might be served by any contribution it can make to the improvement of protective arrangements. The Commission has not undertaken a comprehensive examination of all facets of this subject; rather, it has devoted its time and resources to those broader aspects of Presidential protection to which the events of last November called attention.

In this part of its inquiry the Commission has had full access to a major study of all phases of protective activities prepared by the Secret Service for the Secretary of the Treasury following the assassination. As a result of this study, the Secretary of the Treasury has prepared a planning document dated August 27, 1964, which recommends additional personnel and facilities to enable the Secret Service to expand its protection capabilities. The Secretary of the Treasury submitted this planning document on August 31, 1964, to the Bureau of the Budget for review and approval. This planning document has been made a part of the Commission's published record; the underlying staff and consultants' reports reviewed by the Commission have not, since a disclosure of such detailed information relating to protective measures might undermine present methods of protecting the President. However, all information considered by

the Commission which pertains to the protective function as it was carried out in Dallas has been published as part of this report.

The protection of the President of the United States is an immensely difficult and complex task. It is unlikely that measures can be devised to eliminate entirely the multitude of diverse dangers that may arise, particularly when the President is traveling in this country or abroad. The protective task is further complicated by the reluctance of Presidents to take security precautions which might interfere with the performance of their duties, or their desire to have frequent and easy access to the people. The adequacy of existing procedures can fairly be assessed only after full consideration of the difficulty of the protective assignment, with particular attention to the diverse roles which the President is expected to fill. After reviewing this aspect of the matter this chapter will set forth the Commission's conclusions regarding certain protective measures in force at the time of the Dallas trip and propose recommendations for improvements.

THE NATURE OF THE PROTECTIVE ASSIGNMENT

The President is Head of State, Chief Executive, Commander in Chief, and leader of a political party. As the ceremonial head of the Government the President must discharge a wide range of public duties, not only in Washington but throughout the land. In this role he appears to the American people, in the words of William Howard Taft, as "the personal embodiment and representative of their dignity and majesty."² As Chief Executive, the President controls the exercise of the vast, almost incalculable powers of the executive branch of the Federal Government. As Commander in Chief of the Armed Forces, he must maintain ultimate authority over the development and disposition of our military power. Finally, in accordance with George Washington's maxim that Americans have a government "of accommodation as well as a government of laws,"³ it is the President's right and duty to be the active leader of his party, as when he seeks to be reelected or to maintain his party in power.

In all of these roles the President must go to the people. Exposure of the President to public view through travel among the people of this country is a great and historic tradition of American life. Desired by both the President and the public, it is an indispensable means of communication between the two. More often than not, Presidential journeys have served more than one purpose at the same time: ceremonial, administrative, political.

From George Washington to John F. Kennedy, such journeys have been a normal part of the President's activities. To promote nationwide acceptance of his administration Washington made grand tours that served also to excite interest in the Presidency.⁴ In recent years, Presidential journeys have been frequent and extensive, partly be-

cause of the greater speed and comfort of travel and partly because of the greater demands made on the President. It is now possible for Presidents to travel the length and breadth of a land far larger than the United States in 1789 in less time than it took George Washington to travel from New York to Mount Vernon or Thomas Jefferson from Washington to Monticello. During his Presidency, Franklin D. Roosevelt made almost 400 journeys and traveled more than 350,000 miles.⁵ Since 1945, Roosevelt's successors have ranged the world, and their foreign journeys have come to be accepted as normal rather than extraordinary.

John F. Kennedy's journey to Texas in November 1963 was in this tradition. His friend and Special Assistant Kenneth O'Donnell, who accompanied him on his last visit to Dallas, stated the President's views of his responsibilities with simplicity and clarity:

The President's views of his responsibilities as President of the United States were that he meet the people, that he go out to their homes and see them, and allow them to see him, and discuss, if possible, the views of the world as he sees it, the problems of the country as he sees them. And he felt that leaving Washington for the President of the United States was a most necessary—not only for the people, but for the President himself, that he expose himself to the actual basic problems that were disturbing the American people. It helped him in his job here, he was able to come back here with a fresh view of many things. I think he felt very strongly that the President ought to get out of Washington, and go meet the people on a regular basis.⁶

Whatever their purpose, Presidential journeys have greatly enlarged and complicated the task of protecting the President. The Secret Service and the Federal, State, and local law enforcement agencies which cooperate with it, have been confronted in recent years with increasingly difficult problems, created by the greater exposure of the President during his travels and the greater diversity of the audiences he must face in a world torn by conflicting ideologies.

If the sole goal were to protect the life of the President, it could be accomplished with reasonable assurance despite the multiple roles he must play. But his very position as representative of the people prevents him from effectively shielding himself from the people. He cannot and will not take the precautions of a dictator or a sovereign. Under our system, measures must be sought to afford security without impeding the President's performance of his many functions. The protection of the President must be thorough but inconspicuous to avoid even the suggestion of a garrison state. The rights of private individuals must not be infringed. If the protective job is well done, its performance will be evident only in the unexceptional fact of its success. The men in charge of protecting the President, confronted by complex problems and limited as they are in the measures they may

employ, must depend upon the utmost cooperation and understanding from the public and the President.

The problem and the reasonable approach to its solution were ably stated in a memorandum prepared by FBI Director J. Edgar Hoover for the President soon after the assassination :

The degree of security that can be afforded the President of the United States is dependent to a considerable extent upon the degree of contact with the general public desired by the President. Absolute security is neither practical nor possible. An approach to complete security would require the President to operate in a sort of vacuum, isolated from the general public and behind impregnable barriers. His travel would be in secret; his public appearances would be behind bulletproof glass.

A more practical approach necessitates compromise. Any travel, any contact with the general public, involves a calculated risk on the part of the President and the men responsible for his protection. Such risks can be lessened when the President recognizes the security problem, has confidence in the dedicated Secret Service men who are ready to lay down their lives for him and accepts the necessary security precautions which they recommend. Many Presidents have been understandably impatient with the security precautions which many years of experience dictate because these precautions reduce the President's privacy and the access to him of the people of the country. Nevertheless the procedures and advice should be accepted if the President wishes to have any security.⁷

EVALUATION OF PRESIDENTIAL PROTECTION AT THE TIME OF THE ASSASSINATION OF PRESIDENT KENNEDY

The history of Presidential protection shows growing recognition over the years that the job must be done by able, dedicated, thoroughly professional personnel, using the best technical equipment that can be devised.⁸ The assassination of President Kennedy demands an examination of the protective measures employed to safeguard him and an inquiry whether improvements can be made which will reduce the risk of another such tragedy. This section considers first the means used to locate potential sources of danger to the President in time to take appropriate precautions. In this connection the information available to Federal agencies about Lee Harvey Oswald is set out and the reasons why this information was not furnished to the Secret Service appraised. Second, the adequacy of other advance preparations for the security of the President during his visit to Dallas, largely measures taken by the Secret Service, is considered. Finally, the performance of those charged with the immediate responsibility of protecting the President on November 22 is reviewed.

Intelligence Functions Relating to Presidential Protection at the Time of the Dallas Trip

A basic element of Presidential protection is the identification and elimination of possible sources of danger to the President before the danger becomes actual. The Secret Service has attempted to perform this function through the activities of its Protective Research Section and requests to other agencies, Federal and local, for useful information. The Commission has concluded that at the time of the assassination the arrangements relied upon by the Secret Service to perform this function were seriously deficient.

Adequacy of preventive intelligence operations of the Secret Service.—The main job of the Protective Research Section (PRS) is to collect, process, and evaluate information about persons or groups who may be a danger to the President. In addition to this function, PRS is responsible for such tasks as obtaining clearance of some categories of White House employees and all tradesmen who service the White House, the security processing of gifts sent to the President, and technical inspections against covert listening devices.⁹ At the time of the assassination PRS was a very small group, comprised of 12 specialists and 3 clerks.¹⁰

Many persons call themselves to the attention of PRS by attempting to visit the President for bizarre reasons or by writing or in some other way attempting to communicate with him in a threatening or abusive manner or with undue persistence. Robert I. Bouck, special agent in charge of PRS, estimated that most of the material received by his office originated in this fashion or from the occasional investigations initiated by the Secret Service, while the balance was furnished to PRS by other Federal agencies, with primary source being the FBI.¹¹ The total volume of information received by PRS has risen steadily. In 1943 PRS received approximately 9,000 items of information; in 1953 this had increased to more than 17,000 items; in 1963 the total exceeded 32,000 items.¹² Since many items may pertain to a single case, these figures do not show the caseload. In the period from November 1961 to November 1963, PRS received items in 8,709 cases.¹³

Before the assassination of President Kennedy, PRS expressed its interest in receiving information on suspects in very general terms. For example, PRS instructed the White House mailroom, a source of much PRS data, to refer all communications on identified existing cases and, in addition, any communication "that in any way indicates anyone may have possible intention of harming the President."¹⁴ Slightly more specific criteria were established for PRS personnel processing White House mail referred by the White House mailroom, but again the standards were very general.¹⁵ These instructions to PRS personnel appear to be the only instance where an effort was made to reduce the criteria to writing.¹⁶ When requested to provide a specific statement of the standards employed by PRS in deciding what information to seek and retain, the Secret Service responded:

The criteria in effect prior to November 22, 1963, for determining whether to accept material for the PRS general files were broad and flexible. All material is and was desired, accepted, and filed if it indicated or tended to indicate that the safety of the President is or might be in danger, either at the present or in the future. * * * There are many actions, situations, and incidents that may indicate such potential danger. Some are specific, such as threats; danger may be implied from others, such as membership or activity in an organization which believes in assassination as a political weapon. All material received by PRS was separately screened and a determination made as to whether the information might indicate possible harm to the President. If the material was evaluated as indicating some potential danger to the President—no matter how small—it was indexed in the general PRS files under the name of the individual or group of individuals to whom that material related.¹⁷

The general files of PRS consist of folders on individuals, card indexed by name. The files are manually maintained, without use of any automatic data-processing techniques.¹⁸ At the time of the assassination, the active PRS general files contained approximately 50,000 cases accumulated over a 20-year period,¹⁹ some of which included more than one individual. A case file was established if the information available suggested that the subject might be a danger to the President. Many of these cases were not investigated by PRS. The case file served merely as a repository for information until enough had accumulated to warrant an investigation.²⁰ During the period November 1961 to November 1963, PRS investigated 34 newly established or reactivated cases concerning residents of Texas.²¹ Most of these cases involved persons who used threatening language in communications to or about the President. An additional 115 cases concerning Texas residents were established but not investigated.²²

When PRS learns of an individual whose conduct warrants scrutiny, it requests an investigation by the closest Secret Service field office,²³ of which there are 65 throughout the country. If the field office determines that the case should be subject to continuing review, PRS establishes a file which requires a checkup at least every 6 months.²⁴ This might involve a personal interview or interviews with members of the person's household.²⁵ Wherever possible, the Secret Service arranges for the family and friends of the individual, and local law enforcement officials, to advise the field office if the subject displays signs of increased danger or plans to leave his home area. At the time of the assassination there were approximately 400 persons throughout the country who were subject to periodic review.²⁶

If PRS concludes after investigation that an individual presents a significant danger to the life of the President, his name is placed in a "trip index file" which is maintained on a geographical field office basis.²⁷ At the time of the assassination the names of about 100 persons were in this index, all of whom were included in the group of

400 being reviewed regularly.²⁸ PRS also maintains an album of photographs and descriptions of about 12 to 15 individuals who are regarded as clear risks to the President and who do not have a fixed place of residence.²⁹ Members of the White House detail of the Secret Service have copies of this album.³⁰

Individuals who are regarded as dangerous to the President and who are in penal or hospital custody are listed only in the general files of PRS, but there is a system for the immediate notification of the Secret Service by the confining institution when a subject is released or escapes.³¹ PRS attempts to eliminate serious risks by hospitalization or, where necessary, the prosecution of persons who have committed an offense such as threatening the President.³² In June 1964 PRS had arrangements to be notified about the release or escape of approximately 1,000 persons.³³

In summary, at the time of the assassination PRS had received, over a 20-year period, basic information on some 50,000 cases; it had arrangements to be notified about release from confinement in roughly 1,000 cases; it had established periodic regular review of the status of 400 individuals; it regarded approximately 100 of these 400 cases as serious risks and 12 to 15 of these cases as highly dangerous risks. Members of the White House detail were expected to familiarize themselves with the descriptions and photographs of the highest risk cases. The cases subject to periodic review and the 100 or so cases in the higher risk category were filed on a geographic basis, and could conveniently be reviewed by a Secret Service agent preparing for a Presidential trip to a particular part of the country. These were the files reviewed by PRS on November 8, 1963, at the request of Special Agent Lawson, advance agent for President Kennedy's trip to Dallas.³⁴ The general files of PRS were not indexed by geographic location and were of little use in preparing for a Presidential visit to a specific locality.

Secret Service requests to other agencies for intelligence information were no more specific than the broad and general instructions to its own agents and the White House mailroom. The head of PRS testified that the Secret Service requested other agencies to provide "any and all information that they may come in contact with that would indicate danger to the President."³⁵ These requests were not communicated in writing by the Secret Service; rather, the Service depended on the personal liaison maintained by PRS with the headquarters of the Federal intelligence agencies, particularly the FBI, and at the working level with personnel of the field offices of the various agencies.³⁶ The Service frequently participated in the training programs of other law enforcement agencies, and agents from other agencies attended the regular Secret Service training schools. Presidential protection was an important topic in these training programs.³⁷

In the absence of more specific instructions, other Federal agencies interpreted the Secret Service's informal requests to relate principally to overt threats to harm the President or other specific manifestations of hostility. For example, at the time of the assassination, the FBI

Handbook, which is in the possession of every Bureau special agent, provided:

Threats against the President of the U.S., members of his immediate family, the President-elect, and the Vice-President

Investigation of threats against the President of the United States, members of his immediate family, the President-Elect, and the Vice-President is within the exclusive jurisdiction of the U.S. Secret Service. Any information indicating the possibility of an attempt against the person or safety of the President, members of the immediate family of the President, the President-Elect or the Vice-President must be referred immediately by the most expeditious means of communication to the nearest office of the U.S. Secret Service. Advise the Bureau at the same time by teletype of the information so furnished to the Secret Service and the fact that it has been so disseminated. The above action should be taken without delay in order to attempt to verify the information and no evaluation of the information should be attempted. When the threat is in the form of a written communication, give a copy to local Secret Service and forward the original to the Bureau where it will be made available to Secret Service headquarters in Washington. The referral of the copy to local Secret Service should not delay the immediate referral of the information by the fastest available means of communication to Secret Service locally.³⁸

The State Department advised the Secret Service of all crank and threat letter mail or crank visitors and furnished reports concerning any assassination or attempted assassination of a ruler or other major official anywhere in the world.³⁹ The several military intelligence agencies reported crank mail and similar threats involving the President.⁴⁰ According to Special Agent in Charge Bouck, the Secret Service had no standard procedure for the systematic review of its requests for and receipt of information from other Federal agencies.⁴¹

The Commission believes that the facilities and procedures of the Protective Research Section of the Secret Service prior to November 22, 1963, were inadequate. Its efforts appear to have been too largely directed at the "crank" threat. Although the Service recognized that its advance preventive measures must encompass more than these most obvious dangers, it made little effort to identify factors in the activities of an individual or an organized group, other than specific threats, which suggested a source of danger against which timely precautions could be taken. Except for its special "trip index" file of 400 names, none of the cases in the PRS general files was available for systematic review on a geographic basis when the President planned a particular trip.

As reported in chapter II, when the special file was reviewed on November 8, it contained the names of no persons from the entire

Dallas-Fort Worth area, notwithstanding the fact that Ambassador Stevenson had been abused by pickets in Dallas less than a month before. Bouck explained the failure to try to identify the individuals involved in the Stevenson incident after it occurred on the ground that PRS required a more direct indication of a threat to the President, and that there was no such indication until the President's scheduled visit to that area became known.⁴² Such an approach seriously undermines the precautionary nature of PRS work; if the presence in Dallas of the Stevenson pickets might have created a danger for the President on a visit to that city, PRS should have investigated and been prepared to guard against it.

Other agencies occasionally provided information to the Secret Service concerning potentially dangerous political groups. This was done in the case of the Nationalist Party of Puerto Rico, for example, but only after members of the group had resorted to political violence.⁴³ However, the vague requests for information which the Secret Service made to Federal intelligence and law enforcement agencies were not well designed to elicit information from them about persons other than those who were obvious threats to the President. The requests shifted the responsibility for evaluating difficult cases from the Service, the agency most responsible for performing that task, to the other agencies. No specific guidance was provided. Although the CIA had on file requests from the Treasury Department for information on the counterfeiting of U.S. currency and certain smuggling matters,⁴⁴ it had no written specification of intelligence information collected by CIA abroad which was desired by the Secret Service in advance of Presidential trips outside the United States.

Information known about Lee Harvey Oswald prior to the assassination.—No information concerning Lee Harvey Oswald appeared in PRS files before the President's trip to Dallas. Oswald was known to other Federal agencies with which the Secret Service maintained intelligence liaison. The FBI had been interested in him, to some degree at least, since the time of his defection in October 1959. It had interviewed him twice shortly after his return to the United States, again a year later at his request and was investigating him at the time of the assassination. The Commission has taken the testimony of Bureau agents who interviewed Oswald after his return from the Soviet Union and prior to November 22, 1963, the agent who was assigned his case at the time of the assassination, the Director of the FBI, and the Assistant to the Director in charge of all investigative activities under the Director and Associate Director.⁴⁵ In addition, the Director and Deputy Director for Plans of the CIA testified concerning that Agency's limited knowledge of Oswald before the assassination.⁴⁶ Finally, the Commission has reviewed the complete files on Oswald, as they existed at the time of the assassination, of the Department of State, the Office of Naval Intelligence, the FBI, and the CIA. The information known to the FBI is summarized below.

From defection to return to Fort Worth.—The FBI opened a file on Oswald in October 1959,⁴⁷ when news reports appeared of his defection to the Soviet Union.⁴⁸ The file was opened “for the purpose of correlating information inasmuch as he was considered a possible security risk in the event he returned to this country.”⁴⁹ Oswald’s defection was also the occasion for the opening of files by the Department of State, CIA, and the Office of Naval Intelligence. Until April 1960, FBI activity consisted of placing in Oswald’s file information regarding his relations with the U.S. Embassy in Moscow and background data relating largely to his prior military service, provided by other agencies. In April 1960, Mrs. Marguerite Oswald and Robert Oswald were interviewed in the course of a routine FBI investigation of transfers of small sums of money from Mrs. Oswald to her son in Russia.⁵⁰

During the next 2 years the FBI continued to accumulate information, and kept itself informed on Oswald’s status by periodic reviews of State Department and Office of Naval Intelligence files. In this way, it learned that when Oswald had arrived in the Soviet Union he had attempted to renounce his U.S. citizenship and applied for Soviet citizenship, had described himself as a Marxist, had said he would give the Soviet Union any useful information he had acquired as a marine radar technician and had displayed an arrogant and aggressive attitude at the U.S. Embassy; it learned also that Oswald had been discharged from the Marine Corps Reserve as undesirable in August 1960.⁵¹ In June 1962, the Bureau was advised by the Department of State of Oswald’s plan to return to the United States. The Bureau made arrangements to be advised by immigration authorities of his return, and instructed the Dallas office to interview him when he got back to determine whether he had been recruited by a Soviet intelligence service.⁵² Oswald’s file at the Department of State Passport Office was reviewed in June 1962. It revealed his letter of January 30, 1962, to Secretary of the Navy Connally, in which he protested his discharge and declared that he would use “all means” to correct it. The file reflected the Department’s determination that Oswald had not expatriated himself.⁵³

From return to Fort Worth to move to New Orleans.—Oswald was first interviewed by FBI Agents John W. Fain and B. Tom Carter on June 26, 1962, in Fort Worth.⁵⁴ Agent Fain reported to headquarters that Oswald was impatient and arrogant, and unwilling to answer questions regarding his motive for going to the Soviet Union. Oswald “denied that he had ever denounced his U.S. citizenship, and * * * that he had ever applied for Soviet citizenship specifically.”⁵⁵ Oswald was, however, willing to discuss his contacts with Soviet authorities. He denied having any involvement with Soviet intelligence agencies and promised to advise the FBI if he heard from them.⁵⁶

Agent Fain was not satisfied by this interview and arranged to see Oswald again on August 16, 1962.⁵⁷ According to Fain’s contemporaneous memorandum and his present recollection, while Oswald remained somewhat evasive at this interview, he was not antagonistic

and seemed generally to be settling down.⁵⁸ (Marina Oswald, however, recalled that her husband was upset by this interview.)⁵⁹ Oswald again agreed to advise the FBI if he were approached under suspicious circumstances; however, he deprecated the possibility of this happening, particularly since his employment did not involve any sensitive information.⁶⁰ Having concluded that Oswald was not a security risk or potentially dangerous or violent, Fain determined that nothing further remained to be done at that time and recommended that the case be placed in a closed status.⁶¹ This is an administrative classification indicating that no further work has been scheduled. It does not preclude the agent in charge of the case from reopening it if he feels that further work should be done.⁶²

From August 1962 until March 1963, the FBI continued to accumulate information regarding Oswald but engaged in no active investigation. Agent Fain retired from the FBI in October 1962, and the closed Oswald case was not reassigned.⁶³ However, pursuant to a regular Bureau practice of interviewing certain immigrants from Iron Curtain countries, Fain had been assigned to see Marina Oswald at an appropriate time.⁶⁴ This assignment was given to Agent James P. Hosty, Jr. of the Dallas office upon Fain's retirement. In March 1963, while attempting to locate Marina Oswald, Agent Hosty was told by Mrs. M. F. Tobias, a former landlady of the Oswalds at 602 Elsbeth Street in Dallas, that other tenants had complained because Oswald was drinking to excess and beating his wife.⁶⁵ This information led Hosty to review Oswald's file, from which he learned that Oswald had become a subscriber to the *Worker*, a Communist Party publication. Hosty decided that the Lee Harvey Oswald case should be reopened because of the alleged personal difficulties and the contact with the *Worker*, and his recommendation was accepted.⁶⁶ He decided, however, not to interview Marina Oswald at that time, and merely determined that the Oswalds were living at 214 Neely Street in Dallas.⁶⁷

On April 21, 1963, the FBI field office in New York was advised that Oswald was in contact with the Fair Play for Cuba Committee in New York, and that he had written to the committee stating that he had distributed its pamphlets on the streets of Dallas.⁶⁸ This information did not reach Agent Hosty in Dallas until June.⁶⁹ Hosty considered the information to be "stale" by that time, and did not attempt to verify Oswald's reported statement.⁷⁰ Under a general Bureau request to be on the alert for activities of the Fair Play for Cuba Committee, Hosty had inquired earlier and found no evidence that it was functioning in the Dallas area.⁷¹

In New Orleans.—In the middle of May of 1963, Agent Hosty checked Oswald's last known residence and found that he had moved.⁷² Oswald was tentatively located in New Orleans in June, and Hosty asked the New Orleans FBI office to determine Oswald's address and what he was doing.⁷³ The New Orleans office investigated and located Oswald, learning his address and former place of employment on August 5, 1963.⁷⁴ A confidential informant advised the FBI that Oswald

was not known to be engaged in Communist Party activities in New Orleans.⁷⁵

On June 24, Oswald applied in New Orleans for a passport, stating that he planned to depart by ship for an extended tour of Western European countries, the Soviet Union, Finland, and Poland. The Passport Office of the Department of State in Washington had no listing for Oswald requiring special treatment, and his application was approved on the following day.⁷⁶ The FBI had not asked to be informed of any effort by Oswald to obtain a passport, as it might have under existing procedures, and did not know of his application.⁷⁷ According to the Bureau,

We did not request the State Department to include Oswald on a list which would have resulted in advising us of any application for a passport inasmuch as the facts relating to Oswald's activities at that time did not warrant such action. Our investigation of Oswald had disclosed no evidence that Oswald was acting under the instructions or on behalf of any foreign government or instrumentality thereof.⁷⁸

On August 9, 1963, Oswald was arrested and jailed by the New Orleans Police Department for disturbing the peace, in connection with a street fight which broke out when he was accosted by anti-Castro Cubans while distributing leaflets on behalf of the Fair Play for Cuba Committee. On the next day, he asked the New Orleans police to arrange for him to be interviewed by the FBI. The police called the local FBI office and an agent, John L. Quigley, was sent to the police station.⁷⁹ Agent Quigley did not know of Oswald's prior FBI record when he interviewed him, inasmuch as the police had not given Oswald's name to the Bureau when they called the office.⁸⁰

Quigley recalled that Oswald was receptive when questioned about his general background but less than completely truthful or cooperative when interrogated about the Fair Play for Cuba Committee. Quigley testified:

When I began asking him specific details with respect to his activities in the Fair Play for Cuba Committee in New Orleans as to where meetings were held, who was involved, what occurred, he was reticent to furnish information, reluctant and actually as far as I was concerned, was completely evasive on them.⁸¹

In Quigley's judgment, Oswald "was probably making a self-serving statement in attempting to explain to me why he was distributing this literature, and for no other reason, and when I got to questioning him further then he felt that his purpose had been served and he wouldn't say anything further."⁸²

During the interview Quigley obtained background information from Oswald which was inconsistent with information already in the Bureau's possession. When Quigley returned to his office, he learned

that another Bureau agent, Milton R. Kaack, had been conducting a background investigation of Oswald at the request of Agent Hosty in Dallas. Quigley advised Kaack of his interview and gave him a detailed memorandum.⁸³ Kaack was aware of the facts known to the FBI and recognized Oswald's false statements.⁸⁴ For example, Oswald claimed that his wife's maiden name was Prossa and that they had been married in Fort Worth and lived there until coming to New Orleans.⁸⁵ He had told the New Orleans arresting officers that he had been born in Cuba.⁸⁶

Several days later, the Bureau received additional evidence that Oswald had lied to Agent Quigley. On August 22, it learned that Oswald had appeared on a radio discussion program on August 21.⁸⁷ William Stuckey, who had appeared on the radio program with Oswald, told the Bureau on August 30 that Oswald had told him that he had worked and been married in the Soviet Union.⁸⁸ Neither these discrepancies nor the fact that Oswald had initiated the FBI interview was considered sufficiently unusual to necessitate another interview.⁸⁹ Alan H. Belmont, Assistant to the Director of the FBI, stated the Bureau's reasoning in this way:

Our interest in this man at this point was to determine whether his activities constituted a threat to the internal security of the country. It was apparent that he had made a self-serving statement to Agent Quigley. It became a matter of record in our files as a part of the case, and if we determined that the course of the investigation required us to clarify or face him down with this information, we would do it at the appropriate time.

In other words, he committed no violation of the law by telling us something that wasn't true, and unless this required further investigation at that time, we would handle it in due course, in accord with the whole context of the investigation.⁹⁰

On August 21, 1963, Bureau headquarters instructed the New Orleans and Dallas field offices to conduct an additional investigation of Oswald in view of the activities which had led to his arrest.⁹¹ FBI informants in the New Orleans area, familiar with pro-Castro or Communist Party activity there, advised the Bureau that Oswald was unknown in such circles.⁹²

In Dallas.—In early September 1963 the FBI transferred the principal responsibility for the Oswald case from the Dallas office to the New Orleans office.⁹³ Soon after, on October 1, 1963, the FBI was advised by the rental agent for the Oswalds' apartment in New Orleans that they had moved again.⁹⁴ According to the information received by the Bureau they had vacated their apartment, and Marina Oswald had departed with their child in a station wagon with Texas registration.⁹⁵ On October 3, Hosty reopened the case in Dallas to assist the New Orleans office.⁹⁶ He checked in Oswald's old neighborhood and throughout the Dallas-Fort Worth area but was unable to locate Oswald.⁹⁷

The next word about Oswald's location was a communication from the CIA to the FBI on October 10, advising that an individual tentatively identified as Oswald had been in touch with the Soviet Embassy in Mexico City in early October of 1963.⁹⁸ The Bureau had had no earlier information suggesting that Oswald had left the United States. The possible contact with the Soviet Embassy in Mexico intensified the FBI's interest in learning Oswald's whereabouts.⁹⁹ The FBI representative in Mexico City arranged to follow up this information with the CIA and to verify Oswald's entry into Mexico.¹⁰⁰ The CIA message was sent also to the Department of State where it was reviewed by personnel of the Passport Office, who knew from Oswald's file that he had sought and obtained a passport on June 25, 1963.¹⁰¹ The Department of State did not advise either the CIA or the FBI of these facts.¹⁰²

On October 25, the New Orleans office of the FBI learned that in September Oswald had given a forwarding address of 2515 West Fifth Street, Irving, Tex.¹⁰³ After receiving this information on October 29, Agent Hosty attempted to locate Oswald. On the same day Hosty interviewed neighbors on Fifth Street and learned that the address was that of Mrs. Ruth Paine.¹⁰⁴ He conducted a limited background investigation of the Paines, intending to interview Mrs. Paine and ask her particularly about Oswald's whereabouts.¹⁰⁵

Having determined that Mrs. Paine was a responsible and reliable citizen, Hosty interviewed her on November 1. The interview lasted about 20-25 minutes.¹⁰⁶ In response to Hosty's inquiries, Mrs. Paine

* * * readily admitted that Mrs. Marina Oswald and Lee Oswald's two children were staying with her. She said that Lee Oswald was living somewhere in Dallas. She didn't know where. She said it was in the Oak Cliff area but she didn't have his address.

I asked her if she knew where he worked. After a moment's hesitation, she told me that he worked at the Texas School Book Depository near the downtown area of Dallas. She didn't have the exact address, and it is my recollection that we went to the phone book and looked it up, found it to be 411 Elm Street.¹⁰⁷

Mrs. Paine told Hosty also that Oswald was living alone in Dallas because she did not want him staying at her house, although she was willing to let Oswald visit his wife and children.¹⁰⁸ According to Hosty, Mrs. Paine indicated that she thought she could find out where Oswald was living and would let him know.¹⁰⁹ At this point in the interview, Hosty gave Mrs. Paine his name and office telephone number on a piece of paper.¹¹⁰ At the end of the interview, Marina Oswald came into the room. When he observed that she seemed "quite alarmed" about the visit, Hosty assured her, through Mrs. Paine as interpreter, that the FBI would not harm or harass her.¹¹¹

On November 4, Hosty telephoned the Texas School Book Depository and learned that Oswald was working there and that he had given

as his address Mrs. Paine's residence in Irving.¹¹² Hosty took the necessary steps to have the Dallas office of the FBI, rather than the New Orleans office, reestablished as the office with principal responsibility.¹¹³ On November 5, Hosty was traveling near Mrs. Paine's home and took the occasion to stop by to ask whether she had any further information. Mrs. Paine had nothing to add to what she had already told him, except that during a visit that past weekend, Oswald had said that he was a "Trotskyite Communist," and that she found this and similar statements illogical and somewhat amusing.¹¹⁴ On this occasion Hosty was at the Paine residence for only a few minutes.¹¹⁵

During neither interview did Hosty learn Oswald's address or telephone number in Dallas. Mrs. Paine testified that she learned Oswald's telephone number at the Beckley Street roominghouse in the middle of October shortly after Oswald rented the room on October 14. As discussed in chapter VI, she failed to report this to Agent Hosty because she thought the FBI was in possession of a great deal of information and certainly would find it very easy to learn where Oswald was living.¹¹⁶

Hosty did nothing further in connection with the Oswald case until after the assassination. On November 1, 1963, he had received a copy of the report of the New Orleans office which contained Agent Quigley's memorandum of the interview in the New Orleans jail on August 10,¹¹⁷ and realized immediately that Oswald had given false biographic information.¹¹⁸ Hosty knew that he would eventually have to investigate this, and "was quite interested in determining the nature of his contact with the Soviet Embassy in Mexico City."¹¹⁹ When asked what his next step would have been, Hosty replied:

Well, as I had previously stated, I have between 25 and 40 cases assigned to me at any one time. I had other matters to take care of. I had now established that Lee Oswald was not employed in a sensitive industry. I can now afford to wait until New Orleans forwarded the necessary papers to me to show me I now had all the information. It was then my plan to interview Marina Oswald in detail concerning both herself and her husband's background.

Q. Had you planned any steps beyond that point?

A. No. I would have to wait until I had talked to Marina to see what I could determine, and from there I could make my plans.

Q. Did you take any action on this case between November 5 and November 22?

A. No, sir.¹²⁰

The official Bureau files confirm Hosty's statement that from November 5 until the assassination, no active investigation was conducted.¹²¹ On November 18 the FBI learned that Oswald recently had been in communication with the Soviet Embassy in Washington and so advised the Dallas office in the ordinary course of business.

Hosty received this information on the afternoon of November 22, 1963.¹²²

Nonreferral of Oswald to the Secret Service.—The Commission has considered carefully the question whether the FBI, in view of all the information concerning Oswald in its files, should have alerted the Secret Service to Oswald's presence in Dallas prior to President Kennedy's visit. The Secret Service and the FBI differ as to whether Oswald fell within the category of "threats against the President" which should be referred to the Service.

Robert I. Bouck, special agent in charge of the Protective Research Section, testified that the information available to the Federal Government about Oswald before the assassination would, if known to PRS, have made Oswald a subject of concern to the Secret Service.¹²³ Bouck pointed to a number of characteristics besides Oswald's defection the cumulative effect of which would have been to alert the Secret Service to potential danger:

I would think his continued association with the Russian Embassy after his return, his association with the Castro groups would have been of concern to us, a knowledge that he had, I believe, been courtmartialed for illegal possession of a gun, of a hand gun in the Marines, that he had owned a weapon and did a good deal of hunting or use of it, perhaps in Russia, plus a number of items about his disposition and unreliability of character, I think all of those, if we had had them altogether, would have added up to pointing out a pretty bad individual, and I think that, together, had we known that he had a vantage point would have seemed somewhat serious to us, even though I must admit that none of these in themselves would be—would meet our specific criteria, none of them alone.

But it is when you begin adding them up to some degree that you begin to get criteria that are meaningful.¹²⁴

Mr. Bouck pointed out, however, that he had no reason to believe that any one Federal agency had access to all this information, including the significant fact that Oswald was employed in a building which overlooked the motorcade route.¹²⁵

Agent Hosty testified that he was fully aware of the pending Presidential visit to Dallas. He recalled that the special agent in charge of the Dallas office of the FBI, J. Gordon Shanklin, had discussed the President's visit on several occasions, including the regular biweekly conference on the morning of November 22:

Mr. Shanklin advised us, among other things, that in view of the President's visit to Dallas, that if anyone had any indication of any possibility of any acts of violence or any demonstrations against the President, or Vice President, to immediately notify the Secret Service and confirm it in writing. He had made the

same statement about a week prior at another special conference which we had held. I don't recall the exact date. It was about a week prior.¹²⁶

In fact, Hosty participated in transmitting to the Secret Service two pieces of information pertaining to the visit.¹²⁷ Hosty testified that he did not know until the evening of Thursday, November 21, that there was to be a motorcade, however, and never realized that the motorcade would pass the Texas School Book Depository Building. He testified that he did not read the newspaper story describing the motorcade route in detail, since he was interested only in the fact that the motorcade was coming up Main Street, "where maybe I could watch it if I had a chance."¹²⁸

Even if he had recalled that Oswald's place of employment was on the President's route, Hosty testified that he would not have cited him to the Secret Service as a potential threat to the President.¹²⁹ Hosty interpreted his instructions as requiring "some indication that the person planned to take some action against the safety of the President of the United States or the Vice President."¹³⁰ In his opinion, none of the information in the FBI files—Oswald's defection, his Fair Play for Cuba activities in New Orleans, his lies to Agent Quigley, his recent visit to Mexico City—indicated that Oswald was capable of violence.¹³¹ Hosty's initial reaction on hearing that Oswald was a suspect in the assassination, was "shock, complete surprise," because he had no reason to believe that Oswald "was capable or potentially an assassin of the President of the United States."¹³²

Shortly after Oswald was apprehended and identified, Hosty's superior sent him to observe the interrogation of Oswald.¹³³ Hosty parked his car in the basement of police headquarters and there met an acquaintance, Lt. Jack Revill of the Dallas police force. The two men disagree about the conversation which took place between them. They agree that Hosty told Revill that the FBI had known about Oswald and, in particular, of his presence in Dallas and his employment at the Texas School Book Depository Building.¹³⁴ Revill testified that Hosty said also that the FBI had information that Oswald was "capable of committing this assassination."¹³⁵ According to Revill, Hosty indicated that he was going to tell this to Lieutenant Wells of the homicide and robbery bureau.¹³⁶ Revill promptly made a memorandum of this conversation in which the quoted statement appears.¹³⁷ His secretary testified that she prepared such a report for him that afternoon¹³⁸ and Chief of Police Jesse E. Curry and District Attorney Henry M. Wade both testified that they saw it later that day.¹³⁹

Hosty has unequivocally denied, first by affidavit and then in his testimony before the Commission, that he ever said that Oswald was capable of violence, or that he had any information suggesting this.¹⁴⁰ The only witness to the conversation was Dallas Police Detective V. J. Brian, who was accompanying Revill. Brian did not hear Hosty make any statement concerning Oswald's capacity to be an

assassin but he did not hear the entire conversation because of the commotion at police headquarters and because he was not within hearing distance at all times.¹⁴¹

Hosty's interpretation of the prevailing FBI instructions on referrals to the Secret Service was defended before the Commission by his superiors. After summarizing the Bureau's investigative interest in Oswald prior to the assassination, J. Edgar Hoover concluded that "There was nothing up to the time of the assassination that gave any indication that this man was a dangerous character who might do harm to the President or to the Vice President."¹⁴² Director Hoover emphasized that the first indication of Oswald's capacity for violence was his attempt on General Walker's life, which did not become known to the FBI until after the assassination.¹⁴³ Both Director Hoover and his assistant, Alan H. Belmont, stressed also the decision by the Department of State that Oswald should be permitted to return to the United States.¹⁴⁴ Neither believed that the Bureau investigation of him up to November 22 revealed any information which would have justified referral to the Secret Service. According to Belmont, when Oswald returned from the Soviet Union,

* * * he indicated that he had learned his lesson, was disenchanted with Russia, and had a renewed concept—I am paraphrasing, a renewed concept—of the American free society.

We talked to him twice. He likewise indicated he was disenchanted with Russia. We satisfied ourselves that we had met our requirement, namely to find out whether he had been recruited by Soviet intelligence. The case was closed.

We again exhibited interest on the basis of these contacts with The Worker, Fair Play for Cuba Committee, which are relatively inconsequential.

His activities for the Fair Play for Cuba Committee in New Orleans, we knew, were not of real consequence as he was not connected with any organized activity there.

The interview with him in jail is not significant from the standpoint of whether he had a propensity for violence.

Q. This is the Quigley interview you are talking about?

A. Yes; it was a self-serving interview.

The visits with the Soviet Embassy were evidently for the purpose of securing a visa, and he had told us during one of the interviews that he would probably take his wife back to Soviet Russia some time in the future. He had come back to Dallas. Hosty had established that he had a job, he was working, and had told Mrs. Paine that when he got the money he was going to take an apartment when the baby was old enough, he was going to take an apartment, and the family would live together.

He gave evidence of settling down. Nowhere during the course of this investigation or the information that came to us from other agencies was there any indication of a potential for violence on his part.

Consequently, there was no basis for Hosty to go to Secret Service and advise them of Oswald's presence. * * * 145

As reflected in this testimony, the officials of the FBI believed that there was no data in its files which gave warning that Oswald was a source of danger to President Kennedy. While he had expressed hostility at times toward the State Department, the Marine Corps, and the FBI as agents of the Government,¹⁴⁶ so far as the FBI knew he had not shown any potential for violence. Prior to November 22, 1963, no law enforcement agency had any information to connect Oswald with the attempted shooting of General Walker. It was against this background and consistent with the criteria followed by the FBI prior to November 22 that agents of the FBI in Dallas did not consider Oswald's presence in the Texas School Book Depository Building overlooking the motorcade route as a source of danger to the President and did not inform the Secret Service of his employment in the Depository Building.

The Commission believes, however, that the FBI took an unduly restrictive view of its responsibilities in preventive intelligence work, prior to the assassination. The Commission appreciates the large volume of cases handled by the FBI (636,371 investigative matters during fiscal year 1963).¹⁴⁷ There were no Secret Service criteria which specifically required the referral of Oswald's case to the Secret Service; nor was there any requirement to report the names of defectors. However, there was much material in the hands of the FBI about Oswald: the knowledge of his defection, his arrogance and hostility to the United States, his pro-Castro tendencies, his lies when interrogated by the FBI, his trip to Mexico where he was in contact with Soviet authorities, his presence in the School Book Depository job and its location along the route of the motorcade. All this does seem to amount to enough to have induced an alert agency, such as the FBI, possessed of this information to list Oswald as a potential threat to the safety of the President. This conclusion may be tinged with hindsight, but it stated primarily to direct the thought of those responsible for the future safety of our Presidents to the need for a more imaginative and less narrow interpretation of their responsibilities.

It is the conclusion of the Commission that, even in the absence of Secret Service criteria which specifically required the referral of such a case as Oswald's to the Secret Service, a more alert and carefully considered treatment of the Oswald case by the Bureau might have brought about such a referral. Had such a review been undertaken by the FBI, there might conceivably have been additional investigation of the Oswald case between November 5 and November 22. Agent Hosty testified that several matters brought to his attention in late October and early November, including the visit to the Soviet Embassy in Mexico City, required further attention. Under proper procedures knowledge of the pending Presidential visit might have prompted Hosty to have made more vigorous efforts to locate

Oswald's roominghouse address in Dallas and to interview him regarding these unresolved matters.

The formal FBI instructions to its agents outlining the information to be referred to the Secret Service were too narrow at the time of the assassination. While the Secret Service bears the principal responsibility for this failure, the FBI instructions did not reflect fully the Secret Service's need for information regarding potential threats. The handbook referred thus to "the possibility of an attempt against the person or safety of the President."¹⁴⁸ It is clear from Hosty's testimony that this was construed, at least by him, as requiring evidence of a plan or conspiracy to injure the President.¹⁴⁹ Efforts made by the Bureau since the assassination, on the other hand, reflect keen awareness of the necessity of communicating a much wider range of intelligence information to the Service.¹⁵⁰

Most important, notwithstanding that both agencies have professed to the Commission that the liaison between them was close and fully sufficient,¹⁵¹ the Commission does not believe that the liaison between the FBI and the Secret Service prior to the assassination was as effective as it should have been. The FBI Manual of Instructions provided:

Liaison With Other Government Agencies

To insure adequate and effective liaison arrangements, each SAC should specifically designate an Agent (or Agents) to be responsible for developing and maintaining liaison with other Federal Agencies. This liaison should take into consideration FBI-agency community of interests, location of agency headquarters, and the responsiveness of agency representatives. In each instance, liaison contacts should be developed to include a close friendly relationship, mutual understanding of FBI and agency jurisdictions, and an indicated willingness by the agency representative to coordinate activities and to discuss problems of mutual interest. Each field office should determine those Federal agencies which are represented locally and with which liaison should be conducted.¹⁵²

The testimony reveals that liaison responsibilities in connection with the President's visit were discussed twice officially by the special agent in charge of the FBI office in Dallas. As discussed in chapter II, some limited information was made available to the Secret Service.¹⁵³ But there was no fully adequate liaison between the two agencies. Indeed, the Commission believes that the liaison between all Federal agencies responsible for Presidential protection should be improved.

Other Protective Measures and Aspects of Secret Service Performance

The President's trip to Dallas called into play many standard operating procedures of the Secret Service in addition to its preventive.

intelligence operations. Examination of these procedures shows that in most respects they were well conceived and ably executed by the personnel of the Service. Against the background of the critical events of November 22, however, certain shortcomings and lapses from the high standards which the Commission believes should prevail in the field of Presidential protection are evident.

Advance preparations.—The advance preparations in Dallas by Agent Winston G. Lawson of the White House detail have been described in chapter II. With the assistance of Agent in Charge Sorrels of the Dallas field office of the Secret Service, Lawson was responsible for working out a great many arrangements for the President's trip. The Service prefers to have two agents perform advance preparations. In the case of Dallas, because President Kennedy had scheduled visits to five Texas cities and had also scheduled visits to other parts of the country immediately before the Texas trip, there were not enough men available to permit two agents to be assigned to all the advance work. Consequently, Agent Lawson did the advance work alone from November 13 to November 18, when he was joined by Agent David B. Grant, who had just completed advance work on the President's trip to Tampa.

The Commission concludes that the most significant advance arrangements for the President's trip were soundly planned. In particular, the Commission believes that the motorcade route selected by Agent Lawson, upon the advice of Agent in Charge Sorrels and with the concurrence of the Dallas police, was entirely appropriate, in view of the known desires of the President. There were far safer routes via freeways directly to the Trade Mart, but these routes would not have been in accordance with the White House staff instructions given the Secret Service for a desirable motorcade route.¹⁵⁴ Much of Lawson's time was taken with establishing adequate security over the motorcade route and at the two places where the President would stop, Love Field and the Trade Mart. The Commission concludes that the arrangements worked out at the Trade Mart by these Secret Service agents with the cooperation of the Dallas police and other local law enforcement agents, were carefully executed. Since the President was to be at the Trade Mart longer than at any other location in Dallas and in view of the security hazards presented by the building, the Secret Service correctly gave particular attention in the advance preparations to those arrangements. The Commission also regards the security arrangements worked out by Lawson and Sorrels at Love Field as entirely adequate.

The Commission believes, however, that the Secret Service has inadequately defined the responsibilities of its advance agents, who have been given broad discretion to determine what matters require attention in making advance preparations and to decide what action to take. Agent Lawson was not given written instructions concerning the Dallas trip or advice about any peculiar problems which it might involve; all instructions from higher authority were communicated to him orally. He did not have a checklist of the tasks he was expected to

accomplish, either by his own efforts or with the cooperation of local authorities.¹⁵⁵ The only systematic supervision of the activities of the advance agent has been that provided by a requirement that he file interim and final reports on each advance assignment. The interim report must be in the hands of the agent supervising the protective group traveling with the President long enough before his departure to apprise him of any particular problems encountered and the responsive action taken.¹⁵⁶ Agent Lawson's interim report was received by Agent Kellerman on November 20, the day before departure on the Texas trip.¹⁵⁷

The Secret Service has advised the Commission that no unusual precautions were taken for the Dallas trip, and that "the precautions taken for the President's trip were the usual safeguards employed on trips of this kind in the United States during the previous year."¹⁵⁸ Special Agent in Charge Sorrels testified that the advance preparations followed on this occasion were "pretty much the same" as those followed in 1936 during a trip to Dallas by President Roosevelt, which was Sorrels' first important assignment in connection with Presidential work.¹⁵⁹

In view of the constant change in the nature of threats to the President and the diversity of the dangers which may arise in the various cities within the United States, the Commission believes that standard procedures in use for many years and applied in all parts of the country may not be sufficient. There is, for example, no Secret Service arrangement for evaluating before a trip particular difficulties that might be anticipated, which would bring to bear the judgment and experience of members of the White House detail other than the advance agent. Constant reevaluation of procedures, with attention to special problems and the development of instructions specific to particular trips, would be a desirable innovation.

Liaison with local law enforcement authorities.—In the description of the important aspects of the advance preparations, there have been references to the numerous discussions between Secret Service representatives and the Dallas Police Department. The wholehearted support of these local authorities was indispensable to the Service in carrying out its duties. The Service had 28 agents participating in the Dallas visit.¹⁶⁰ Agent Lawson's advance planning called for the deployment of almost 600 members of the Dallas Police Department, Fire Department, County Sheriff's Department, and the Texas Department of Public Safety.¹⁶¹ Despite this dependence on local authorities, which would be substantially the same on a visit by the President to any large city, the Secret Service did not at the time of the assassination have any established procedure governing its relationships with them.¹⁶² It had no prepared checklist of matters to be covered with local police on such visits to metropolitan areas and no written description of the role the local police were expected to perform. Discussions with the Dallas authorities and requests made of them were entirely informal.

The Commission believes that a more formal statement of assigned responsibilities, supplemented in each case to reflect the peculiar conditions of each Presidential trip, is essential. This would help to eliminate varying interpretations of Secret Service instructions by different local law enforcement representatives. For example, while the Secret Service representatives in Dallas asked the police to station guards at each overpass to keep "unauthorized personnel" off, this term was not defined. At some overpasses all persons were excluded, while on the overpass overlooking the assassination scene railroad and yard terminal workmen were permitted to remain under police supervision, as discussed in chapter III.¹⁶³ Assistant Chief Batchelor of the Dallas police noted the absence of any formal statement by the Secret Service of specific work assigned to the police and suggested the desirability of such a statement.¹⁶⁴ Agent Lawson agreed that such a procedure would assist him and other agents in fulfilling their responsibilities as advance agents.¹⁶⁵

Check of buildings along route of motorcade.—Agent Lawson did not arrange for a prior inspection of buildings along the motorcade route, either by police or by custodians of the buildings, since it was not the usual practice of the Secret Service to do so.¹⁶⁶ The Chief of the Service has provided the Commission a detailed explanation of this policy:

Except for inauguration or other parades involving foreign dignitaries accompanied by the President in Washington, it has not been the practice of the Secret Service to make surveys or checks of buildings along the route of a Presidential motorcade. For the inauguration and certain other parades in Washington where the traditional route is known to the public long in advance of the event, buildings along the route can be checked by teams of law enforcement officers, and armed guards are posted along the route as appropriate. But on out-of-town trips where the route is decided on and made public only a few days in advance, buildings are not checked either by Secret Service agents or by any other law enforcement officers at the request of the Secret Service. With the number of men available to the Secret Service and the time available, surveys of hundreds of buildings and thousands of windows is not practical.

In Dallas the route selected necessarily involved passing through the principal downtown section between tall buildings. While certain streets thought to be too narrow could be avoided and other choices made, it was not practical to select a route where the President could not be seen from roofs or windows of buildings. At the two places in Dallas where the President would remain for a period of time, Love Field and the Trade Mart, arrangements were made for building and roof security by posting police officers where appropriate. Similar arrangements for a motorcade of ten miles, including many blocks of tall commercial buildings is not practical. Nor is it practical to prevent

people from entering such buildings, or to limit access in every building to those employed or having business there. Even if it were possible with a vastly larger force of security officers to do so, many observers have felt that such a procedure would not be consistent with the nature and purpose of the motorcade to let the people see their President and to welcome him to their city.

In accordance with its regular procedures, no survey or other check was made by the Secret Service, or by any other law enforcement agency at its request, of the Texas School Book Depository Building or those employed there prior to the time the President was shot.¹⁶⁷

This justification of the Secret Service's standing policy is not persuasive. The danger from a concealed sniper on the Dallas trip was of concern to those who had considered the problem. President Kennedy himself had mentioned it that morning,¹⁶⁸ as had Agent Sorrels when he and Agent Lawson were fixing the motorcade route.¹⁶⁹ Admittedly, protective measures cannot ordinarily be taken with regard to all buildings along a motorcade route. Levels of risk can be determined, however, as has been confirmed by building surveys made since the assassination for the Department of the Treasury.¹⁷⁰ An attempt to cover only the most obvious points of possible ambush along the route in Dallas might well have included the Texas School Book Depository Building.

Instead of such advance precautions, the Secret Service depended in part on the efforts of local law enforcement personnel stationed along the route. In addition, Secret Service agents riding in the motorcade were trained to scan buildings as part of their general observation of the crowd of spectators.¹⁷¹ These substitute measures were of limited value. Agent Lawson was unable to state whether he had actually instructed the Dallas police to scan windows of buildings lining the motorcade route, although it was his usual practice to do so.¹⁷² If such instructions were in fact given, they were not effectively carried out. Television films taken of parts of the motorcade by a Dallas television station show the foot patrolmen facing the passing motorcade, and not the adjacent crowds and buildings, as the procession passed.¹⁷³

Three officers from the Dallas Police Department were assigned to the intersection of Elm and Houston during the morning of November 22 prior to the motorcade.¹⁷⁴ All received their instructions early in the morning from Capt. P. W. Lawrence of the traffic division.¹⁷⁵ According to Captain Lawrence:

I then told the officers that their primary duty was traffic and crowd control and that they should be alert for any persons who might attempt to throw anything and although it was not a violation of the law to carry a placard, that they were not to tolerate any actions such as the Stevenson incident and arrest any person who might attempt to throw anything or try to get at the Presi-

dent and his party; paying particular attention to the crowd for any unusual activity. I stressed the fact that this was our President and he should be shown every respect due his position and that it was our duty to see that this was done.¹⁷⁶

Captain Lawrence was not instructed to have his men watch buildings along the motorcade route and did not mention the observation of buildings to them.¹⁷⁷ The three officers confirm that their primary concern was crowd and traffic control, and that they had no opportunity to scan the windows of the Depository or any other building in the vicinity of Elm and Houston when the motorcade was passing. They had, however, occasionally observed the windows of buildings in the area before the motorcade arrived, in accordance with their own understanding of their function.¹⁷⁸

As the motorcade approached Elm Street there were several Secret Service agents in it who shared the responsibility of scanning the windows of nearby buildings. Agent Sorrels, riding in the lead car, did observe the Texas School Book Depository Building as he passed by, at least for a sufficient number of seconds to gain a "general impression" of the lack of any unusual activity.¹⁷⁹ He was handicapped, however, by the fact that he was riding in a closed car whose roof at times obscured his view.¹⁸⁰ Lawson, also in the lead car, did not scan any buildings since an important part of his job was to look backward at the President's car.¹⁸¹ Lawson stated that he "was looking back a good deal of the time, watching his car, watching the sides, watching the crowds, giving advice or asking advice from the Chief and also looking ahead to the known hazards like overpasses, underpasses, railroads, et cetera."¹⁸² Agent Roy H. Kellerman, riding in the front seat of the Presidential car, stated that he scanned the Depository Building, but not sufficiently to be alerted by anything in the windows or on the roof.¹⁸³ The agents in the followup car also were expected to scan adjacent buildings. However, the Commission does not believe that agents stationed in a car behind the Presidential car, who must concentrate primarily on the possibility of threats from crowds along the route, provide a significant safeguard against dangers in nearby buildings.

Conduct of Secret Service agents in Fort Worth on November 22.— In the early morning hours on November 22, 1963, in Fort Worth, there occurred a breach of discipline by some members of the Secret Service who were officially traveling with the President. After the President had retired at his hotel, nine agents who were off duty went to the nearby Fort Worth Press Club at midnight or slightly thereafter, expecting to obtain food; they had had little opportunity to eat during the day.¹⁸⁴ No food was available at the Press Club. All of the agents stayed for a drink of beer, or in several cases, a mixed drink. According to their affidavits, the drinking in no case amounted to more than three glasses of beer or 1½ mixed drinks, and others who were present say that no agent was inebriated or acted improperly. The statements of the agents involved are supported by

statements of members of the Fort Worth press who accompanied or observed them and by a Secret Service investigation.¹⁸⁵

According to their statements, the agents remained at the Press Club for periods varying from 30 minutes to an hour and a half, and the last agent left the Press Club by 2 a.m.¹⁸⁶ Two of the nine agents returned to their rooms. The seven others proceeded to an establishment called the Cellar Coffee House, described by some as a beatnik place and by its manager as "a unique show place with continuous light entertainment all night [serving] only coffee, fruit juices and no hard liquors or beer."¹⁸⁷ There is no indication that any of the agents who visited the Cellar Coffee House had any intoxicating drink at that establishment.¹⁸⁸ Most of the agents were there from about 1:30 or 1:45 a.m. to about 2:45 or 3 a.m.; one agent was there from 2 until 5 a.m.¹⁸⁹

The lobby of the hotel and the areas adjacent to the quarters of the President were guarded during the night by members of the midnight to 8 a.m. shift of the White House detail. These agents were each relieved for a half hour break during the night.¹⁹⁰ Three members of this shift separately took this opportunity to visit the Cellar Coffee House.¹⁹¹ Only one stayed as long as a half hour, and none had any beverage there.¹⁹² Chief Rowley testified that agents on duty in such a situation usually stay within the building during their relief, but that their visits to the Cellar were "neither consistent nor inconsistent" with their duty.¹⁹³

Each of the agents who visited the Press Club or the Cellar Coffee House (apart from the three members of the midnight shift) had duty assignments beginning no later than 8 a.m. that morning. President Kennedy was scheduled to speak across the street from his hotel in Fort Worth at 8:30 a.m.,¹⁹⁴ and then at a breakfast, after which the entourage would proceed to Dallas. In Dallas, one of the nine agents was assigned to assist in security measures at Love Field, and four had protective assignments at the Trade Mart. The remaining four had key responsibilities as members of the complement of the followup car in the motorcade. Three of these agents occupied positions on the running boards of the car, and the fourth was seated in the car.¹⁹⁵

The supervisor of each of the off-duty agents who visited the Press Club or the Cellar Coffee House advised, in the course of the Secret Service investigation of these events, that each agent reported for duty on time, with full possession of his mental and physical capabilities and entirely ready for the performance of his assigned duties.¹⁹⁶ Chief Rowley testified that, as a result of the investigation he ordered, he was satisfied that each of the agents performed his duties in an entirely satisfactory manner, and that their conduct the night before did not impede their actions on duty or in the slightest way prevent them from taking any action that might have averted the tragedy.¹⁹⁷ However, Chief Rowley did not condone the action of the off-duty agents, particularly since it violated a regulation of the Secret Service, which provides:

Liquor, use of.—a. Employees are strictly enjoined to refrain from the use of intoxicating liquor during the hours they are officially employed at their post of duty, or when they may reasonably expect that they may be called upon to perform an official duty. During entire periods of travel status, the special agent is officially employed and should not use liquor, until the completion of all of his official duties for the day, after which time a very moderate use of liquor will not be considered a violation. However, all members of the White House Detail and special agents cooperating with them on Presidential and similar protective assignments are considered to be subject to call for official duty at any time while in travel status. Therefore, the use of intoxicating liquor of any kind, including beer and wine, by members of the White House Detail and special agents cooperating with them, or by special agents on similar assignments, while they are in a travel status, is prohibited.¹⁹⁸

The regulations provide further that "violation or slight disregard" of these provisions "will be cause for removal from the Service."¹⁹⁹

Chief Rowley testified that under ordinary circumstances he would have taken disciplinary action against those agents who had been drinking in clear violation of the regulation. However, he felt that any disciplinary action might have given rise to an inference that the violation of the regulation had contributed to the tragic events of November 22. Since he was convinced that this was not the case, he believed that it would be unfair to the agents and their families to take explicit disciplinary measures. He felt that each agent recognized the seriousness of the infraction and that there was no danger of a repetition.²⁰⁰

The Commission recognizes that the responsibilities of members of the White House detail of the Secret Service are arduous. They work long, hard hours, under very great strain, and must travel frequently. It might seem harsh to circumscribe their opportunities for relaxation. Yet their role of protecting the President is so important to the well-being of the country that it is reasonable to expect them to meet very high standards of personal conduct, so that nothing can interfere with their bringing to their task the finest qualities and maximum resources of mind and body. This is the salutary goal to which the Secret Service regulation is directed, when it absolutely forbids drinking by any agent accompanying the President on a trip. Nor is this goal served when agents remain out until early morning hours, and lose the opportunity to get a reasonable amount of sleep. It is conceivable that those men who had little sleep, and who had consumed alcoholic beverages, even in limited quantities, might have been more alert in the Dallas motorcade if they had retired promptly in Fort Worth. However, there is no evidence that these men failed to take any action in Dallas within their power that would have averted the tragedy. As will be seen, the instantaneous and heroic

response to the assassination of some of the agents concerned was in the finest tradition of Government service.

The motorcade in Dallas.—Rigorous security precautions had been arranged at Love Field with the local law enforcement authorities by Agents Sorrels and Lawson. These precautions included reserving a ceremonial area for the Presidential party, stationing police on the rooftops of all buildings overlooking the reception area, and detailing police in civilian clothes to be scattered throughout the sizable crowd.²⁰¹ When President and Mrs. Kennedy shook hands with members of the public along the fences surrounding the reception area, they were closely guarded by Secret Service agents who responded to the unplanned event with dispatch.²⁰²

As described in chapter II, the President directed that his car stop on two occasions during the motorcade so that he could greet members of the public.²⁰³ At these stops, agents from the Presidential follow-up car stood between the President and the public, and on one occasion Agent Kellerman left the front seat of the President's car to take a similar position. The Commission regards such impromptu stops as presenting an unnecessary danger, but finds that the Secret Service agents did all that could have been done to take protective measures.

The Presidential limousine.—The limousine used by President Kennedy in Dallas was a convertible with a detachable, rigid plastic "bubble" top which was neither bulletproof nor bullet resistant.²⁰⁴ The last Presidential vehicle with any protection against small-arms fire left the White House in 1953. It was not then replaced because the state of the art did not permit the development of a bulletproof top of sufficiently light weight to permit its removal on those occasions when the President wished to ride in an open car. The Secret Service believed that it was very doubtful that any President would ride regularly in a vehicle with a fixed top, even though transparent.²⁰⁵ Since the assassination, the Secret Service, with the assistance of other Federal agencies and of private industry, has developed a vehicle for the better protection of the President.²⁰⁶

Access to passenger compartment of Presidential car.—On occasion the Secret Service has been permitted to have an agent riding in the passenger compartment with the President. Presidents have made it clear, however, that they did not favor this or any other arrangement which interferes with the privacy of the President and his guests. The Secret Service has therefore suggested this practice only on extraordinary occasions.²⁰⁷ Without attempting to prescribe or recommend specific measures which should be employed for the future protection of Presidents, the Commission does believe that there are aspects of the protective measures employed in the motorcade at Dallas which deserve special comment.

The Presidential vehicle in use in Dallas, described in chapter II, had no special design or equipment which would have permitted the Secret Service agent riding in the driver's compartment to move into the passenger section without hindrance or delay. Had the vehicle been so designed it is possible that an agent riding in the front seat

could have reached the President in time to protect him from the second and fatal shot to hit the President. However, such access to the President was interfered with both by the metal bar some 15 inches above the back of the front seat and by the passengers in the jump seats. In contrast, the Vice Presidential vehicle, although not specially designed for that purpose, had no passenger in a jump seat between Agent Youngblood and Vice President Johnson to interfere with Agent Youngblood's ability to take a protective position in the passenger compartment before the third shot was fired.²⁰⁸

The assassination suggests that it would have been of prime importance in the protection of the President if the Presidential car permitted immediate access to the President by a Secret Service agent at the first sign of danger. At that time the agents on the running boards of the followup car were expected to perform such a function. However, these agents could not reach the President's car when it was traveling at an appreciable rate of speed. Even if the car is traveling more slowly, the delay involved in reaching the President may be crucial. It is clear that at the time of the shots in Dallas, Agent Clinton J. Hill leaped to the President's rescue as quickly as humanly possible. Even so, analysis of the motion picture films taken by amateur photographer Zapruder reveals that Hill first placed his hand on the Presidential car at frame 343, 30 frames and therefore approximately 1.6 seconds after the President was shot in the head.²⁰⁹ About 3.7 seconds after the President received this wound, Hill had both feet on the car and was climbing aboard to assist President and Mrs. Kennedy.²¹⁰

Planning for motorcade contingencies.—In response to inquiry by the Commission regarding the instructions to agents in a motorcade of emergency procedures to be taken in a contingency such as that which actually occurred, the Secret Service responded:

The Secret Service has consistently followed two general principles in emergencies involving the President. All agents are so instructed. The first duty of the agents in the motorcade is to attempt to cover the President as closely as possible and practicable and to shield him by attempting to place themselves between the President and any source of danger. Secondly, agents are instructed to remove the President as quickly as possible from known or impending danger. Agents are instructed that it is not their responsibility to investigate or evaluate a present danger, but to consider any untoward circumstances as serious and to afford the President maximum protection at all times. No responsibility rests upon those agents near the President for the identification or arrest of any assassin or an attacker. Their primary responsibility is to stay with and protect the President.

Beyond these two principles the Secret Service believes a detailed contingency or emergency plan is not feasible because the variations possible preclude effective planning. A number of steps are taken, however, to permit appropriate steps to be taken

in an emergency. For instance, the lead car always is manned by Secret Service agents familiar with the area and with local law enforcement officials; the radio net in use in motorcades is elaborate and permits a number of different means of communication with various local points. A doctor is in the motorcade.²¹¹

This basic approach to the problem of planning for emergencies is sound. Any effort to prepare detailed contingency plans might well have the undesirable effect of inhibiting quick and imaginative responses. If the advance preparation is thorough, and the protective devices and techniques employed are sound, those in command should be able to direct the response appropriate to the emergency.

The Commission finds that the Secret Service agents in the motorcade who were immediately responsible for the President's safety reacted promptly at the time the shots were fired. Their actions demonstrate that the President and the Nation can expect courage and devotion to duty from the agents of the Secret Service.

RECOMMENDATIONS

The Commission's review of the provisions for Presidential protection at the time of President Kennedy's trip to Dallas demonstrates the need for substantial improvements. Since the assassination, the Secret Service and the Department of the Treasury have properly taken the initiative in reexamining major aspects of Presidential protection. Many changes have already been made and others are contemplated, some of them in response to the Commission's questions and informal suggestions.

Assassination a Federal Crime

There was no Federal criminal jurisdiction over the assassination of President Kennedy. Had there been reason to believe that the assassination was the result of a conspiracy, Federal jurisdiction could have been asserted; it has long been a Federal crime to conspire to injure any Federal officer, on account of, or while he is engaged in, the lawful discharge of the duties of his office.²¹² Murder of the President has never been covered by Federal law, however, so that once it became reasonably clear that the killing was the act of a single person, the State of Texas had exclusive jurisdiction.

It is anomalous that Congress has legislated in other ways touching upon the safety of the Chief Executive or other Federal officers, without making an attack on the President a crime. Threatening harm to the President is a Federal offense,²¹³ as is advocacy of the overthrow of the Government by the assassination of any of its officers.²¹⁴ The murder of Federal judges, U.S. attorneys and marshals, and a number of other specifically designated Federal law enforcement officers is a Federal crime.²¹⁵ Equally anomalous are statutory provisions which

specifically authorize the Secret Service to protect the President, without authorizing it to arrest anyone who harms him. The same provisions authorize the Service to arrest without warrant persons committing certain offenses, including counterfeiting and certain frauds involving Federal checks or securities.²¹⁶ The Commission agrees with the Secret Service²¹⁷ that it should be authorized to make arrests without warrant for all offenses within its jurisdiction, as are FBI agents and Federal marshals.²¹⁸

There have been a number of efforts to make assassination a Federal crime, particularly after the assassination of President McKinley and the attempt on the life of President-elect Franklin D. Roosevelt.²¹⁹ In 1902 bills passed both Houses of Congress but failed of enactment when the Senate refused to accept the conference report.²²⁰ A number of bills were introduced immediately following the assassination of President Kennedy.²²¹

The Commission recommends to the Congress that it adopt legislation which would :

Punish the murder or manslaughter of, attempt or conspiracy to murder, kidnaping of and assault upon
the President, Vice President, or other officer next in the order of succession to the Office of President, the President-elect and the Vice-President-elect,
whether or not the act is committed while the victim is in the performance of his official duties or on account of such performance.

Such a statute would cover the President and Vice President or, in the absence of a Vice President, the person next in order of succession. During the period between election and inauguration, the President-elect and Vice-President-elect would also be covered. Restricting the coverage in this way would avoid unnecessary controversy over the inclusion or exclusion of other officials who are in the order of succession or who hold important governmental posts. In addition, the restriction would probably eliminate a need for the requirement which has been urged as necessary for the exercise of Federal power, that the hostile act occur while the victim is engaged in or because of the performance of official duties.²²² The governmental consequences of assassination of one of the specified officials give the United States ample power to act for its own protection.²²³ The activities of the victim at the time an assassination occurs and the motive for the assassination bear no relationship to the injury to the United States which follows from the act. This point was ably made in the 1902 debate by Senator George F. Hoar, the sponsor of the Senate bill :

* * * what this bill means to punish is the crime of interruption of the Government of the United States and the destruction of its security by striking down the life of the person who is actually in the exercise of the executive power, or of such persons as have been

constitutionally and lawfully provided to succeed thereto in case of a vacancy. It is important to this country that the interruption shall not take place for an hour * * * ²²⁴

Enactment of this statute would mean that the investigation of any of the acts covered and of the possibility of a further attempt would be conducted by Federal law enforcement officials, in particular, the FBI with the assistance of the Secret Service.²²⁵ At present, Federal agencies participate only upon the sufferance of the local authorities. While the police work of the Dallas authorities in the early identification and apprehension of Oswald was both efficient and prompt, FBI Director J. Edgar Hoover, who strongly supports such legislation, testified that the absence of clear Federal jurisdiction over the assassination of President Kennedy led to embarrassment and confusion in the subsequent investigation by Federal and local authorities.²²⁶ In addition, the proposed legislation will insure that any suspects who are arrested will be Federal prisoners, subject to Federal protection from vigilante justice and other threats.²²⁷

Committee of Cabinet Officers

As our Government has become more complex, agencies other than the Secret Service have become involved in phases of the overall problem of protecting our national leaders. The FBI is the major domestic investigating agency of the United States, while the CIA has the primary responsibility for collecting intelligence overseas to supplement information acquired by the Department of State. The Secret Service must rely in large part upon the investigating capacity and experience of these and other agencies for much of its information regarding possible dangers to the President. The Commission believes that it is necessary to improve the cooperation among these agencies and to emphasize that the task of Presidential protection is one of broad national concern.

The Commission suggests that consideration might be given to assigning to a Cabinet-level committee or the National Security Council (which is responsible for advising the President respecting the coordination of departmental policies relating to the national security)²²⁸ the responsibility to review and oversee the protective activities of the Secret Service and the other Federal agencies that assist in safeguarding the President. The Committee should include the Secretary of the Treasury and the Attorney General, and, if the Council is used, arrangements should be made for the attendance of the Secretary of the Treasury and the Attorney General at any meetings which are concerned with Presidential protection.²²⁹ The Council already includes, in addition to the President and Vice President, the Secretaries of State and Defense and has a competent staff.

The foremost assignment of the Committee would be to insure that the maximum resources of the Federal Government are fully engaged

in the job of protecting the President, by defining responsibilities clearly and overseeing their execution. Major needs of personnel or other resources might be met more easily on its recommendation than they have been in the past.

The Committee would be able to provide guidance in defining the general nature of domestic and foreign dangers to Presidential security. As improvements are recommended for the advance detection of potential threats to the President, it could act as a final review board. The expert assistance and resources which it could draw upon would be particularly desirable in this complex and sensitive area.

This arrangement would provide a continuing high-level contact for agencies that may wish to consult respecting particular protective measures. For various reasons the Secret Service has functioned largely as an informal part of the White House staff, with the result that it has been unable, as a practical matter, to exercise sufficient influence over the security precautions which surround Presidential activities. A Cabinet-level committee which is actively concerned with these problems would be able to discuss these matters more effectively with the President.

Responsibilities for Presidential Protection

The assignment of the responsibility of protecting the President to an agency of the Department of the Treasury was largely an historical accident.²³⁰ The Secret Service was organized as a division of the Department of the Treasury in 1865, to deal with counterfeiting. In 1894, while investigating a plot to assassinate President Cleveland, the Service assigned a small protective detail of agents to the White House. Secret Service men accompanied the President and his family to their vacation home in Massachusetts and special details protected him in Washington, on trips, and at special functions. These informal and part-time arrangements led to more systematic protection in 1902, after the assassination of President McKinley; the Secret Service, then the only Federal investigative agency, assumed full-time responsibility for the safety of the President. Since that time, the Secret Service has had and exercised responsibility for the physical protection of the President and also for the preventive investigation of potential threats against the President.

Although the Secret Service has had the primary responsibility for the protection of the President, the FBI, which was established within the Department of Justice in 1908, has had in recent years an increasingly important role to play. In the appropriations of the FBI there has recurred annually an item for the "protection of the person of the President of the United States," which first appeared in the appropriation of the Department of Justice in 1910 under the heading "Miscellaneous Objects."²³¹ Although the FBI is not charged with the physical protection of the President, it does have an assignment, as do other Government agencies, in the field of preventive investigation in regard to the President's security. As discussed above, the Bureau has

attempted to meet its responsibilities in this field by spelling out in its Handbook the procedures which its agents are to follow in connection with information received "indicating the possibility of an attempt against the person or safety of the President" or other protected persons.

With two Federal agencies operating in the same general field of preventive investigation, questions inevitably arise as to the scope of each agency's authority and responsibility. As the testimony of J. Edgar Hoover and other Bureau officials revealed, the FBI did not believe that its directive required the Bureau to notify the Secret Service of the substantial information about Lee Harvey Oswald which the FBI had accumulated before the President reached Dallas. On the other hand, the Secret Service had no knowledge whatever of Oswald, his background, or his employment at the Book Depository, and Robert I. Bouck, who was in charge of the Protective Research Section of the Secret Service, believed that the accumulation of the facts known to the FBI should have constituted a sufficient basis to warn the Secret Service of the Oswald risk.

The Commission believes that both the FBI and the Secret Service have too narrowly construed their respective responsibilities. The Commission has the impression that too much emphasis is placed by both on the investigation of specific threats by individuals and not enough on dangers from other sources. In addition, the Commission has concluded that the Secret Service particularly tends to be the passive recipient of information regarding such threats and that its Protective Research Section is not adequately staffed or equipped to conduct the wider investigative work that is required today for the security of the President.

During the period the Commission was giving thought to this situation, the Commission received a number of proposals designed to improve current arrangements for protecting the President. These proposals included suggestions to locate exclusive responsibility for all phases of the work in one or another Government agency, to clarify the division of authority between the agencies involved, and to retain the existing system but expand both the scope and the operations of the existing agencies, particularly those of the Secret Service and the FBI.

It has been pointed out that the FBI, as our chief investigative agency, is properly manned and equipped to carry on extensive information gathering functions within the United States. It was also suggested that it would take a substantial period of time for the Secret Service to build up the experience and skills necessary to meet the problem. Consequently the suggestion has been made, on the one hand, that all preventive investigative functions relating to the security of the President should be transferred to the FBI, leaving with the Secret Service only the responsibility for the physical protection of the President, that is, the guarding function alone.

On the other hand, it is urged that all features of the protection of the President and his family should be committed to an elite and independent corps. It is also contended that the agents should be intimately

associated with the life of the Presidential family in all its ramifications and alert to every danger that might befall it, and ready at any instant to hazard great danger to themselves in the performance of their tremendous responsibility. It is suggested that an organization shorn of its power to investigate all the possibilities of danger to the President and becoming merely the recipient of information gathered by others would become limited solely to acts of physical alertness and personal courage incident to its responsibilities. So circumscribed, it could not maintain the esprit de corps or the necessary alertness for this unique and challenging responsibility.

While in accordance with its mandate this Commission has necessarily examined into the functioning of the various Federal agencies concerned with the tragic trip of President Kennedy to Dallas and while it has arrived at certain conclusions in respect thereto, it seems clear that it was not within the Commission's responsibility to make specific recommendations as to the long-range organization of the President's protection, except as conclusions flowing directly from its examination of the President's assassination can be drawn. The Commission was not asked to apply itself as did the Hoover Commission in 1949, for example, to a determination of the optimum organization of the President's protection. It would have been necessary for the Commission to take considerable testimony, much of it extraneous to the facts of the assassination of President Kennedy, to put it in a position to reach final conclusions in this respect. There are always dangers of divided responsibility, duplication, and confusion of authority where more than one agency is operating in the same field; but on the other hand the protection of the President is in a real sense a Government-wide responsibility which must necessarily be assumed by the Department of State, the FBI, the CIA, and the military intelligence agencies as well as the Secret Service. Moreover, a number of imponderable questions have to be weighed if any change in the intimate association now established between the Secret Service and the President and his family is contemplated.

These considerations have induced the Commission to believe that the determination of whether or not there should be a relocation of responsibilities and functions should be left to the Executive and the Congress, perhaps upon recommendations based on further studies by the Cabinet-level committee recommended above or the National Security Council.

Pending any such determination, however, this Commission is convinced of the necessity of better coordination and direction of the activities of all existing agencies of Government which are in a position to, and do, furnish information and services related to the security of the President. The Commission feels the Secret Service and the FBI, as well as the State Department and the CIA when the President travels abroad, could improve their existing capacities and procedures so as to lessen the chances of assassination. Without, therefore, coming to final conclusions respecting the long-range organization of the President's security, the Commission believes

that the facts of the assassination of President Kennedy point to certain measures which, while assuming no radical relocation of responsibilities, can and should be recommended by this Commission in the interest of the more efficient protection of the President. These recommendations are reviewed below.

General Supervision of the Secret Service

The intimacy of the Secret Service's relationship to the White House and the dissimilarity of its protective functions to most activities of the Department of the Treasury have made it difficult for the Treasury to maintain close and continuing supervision. The Commission believes that the recommended Cabinet-level committee will help to correct many of the major deficiencies of supervision disclosed by the Commission's investigation. Other measures should be taken as well to improve the overall operation of the Secret Service.

Daily supervision of the operations of the Secret Service within the Department of the Treasury should be improved. The Chief of the Service now reports to the Secretary of the Treasury through an Assistant Secretary whose duties also include the direct supervision of the Bureau of the Mint and the Department's Employment Policy Program, and who also represents the Secretary of the Treasury on various committees and groups.²³² The incumbent has no technical qualifications in the area of Presidential protection.²³³ The Commission recommends that the Secretary of the Treasury appoint a special assistant with the responsibility of supervising the Service. This special assistant should be required to have sufficient stature and experience in law enforcement, intelligence, or allied fields to be able to provide effective continuing supervision, and to keep the Secretary fully informed regarding all significant developments relating to Presidential protection.

This report has already pointed out several respects in which the Commission believes that the Secret Service has operated with insufficient planning or control. Actions by the Service since the assassination indicate its awareness of the necessity for substantial improvement in its administration. A formal and thorough description of the responsibilities of the advance agent is now in preparation by the Service.²³⁴ Work is going forward toward the preparation of formal understandings of the respective roles of the Secret Service and other agencies with which it collaborates or from which it derives assistance and support. The Commission urges that the Service continue this effort to overhaul and define its procedures. While manuals and memoranda are no guarantee of effective operations, no sizable organization can achieve efficiency without the careful analysis and demarcation of responsibility that is reflected in definite and comprehensive operating procedures.

The Commission also recommends that the Secret Service consciously set about the task of inculcating and maintaining the highest standard of excellence and esprit for all of its personnel. This

involves tight and unswerving discipline as well as the promotion of an outstanding degree of dedication and loyalty to duty. The Commission emphasizes that it finds no causal connection between the assassination and the breach of regulations which occurred on the night of November 21 at Fort Worth. Nevertheless, such a breach, in which so many agents participated, is not consistent with the standards which the responsibilities of the Secret Service require it to meet.

Preventive Intelligence

In attempting to identify those individuals who might prove a danger to the President, the Secret Service has largely been the passive recipient of threatening communications to the President and reports from other agencies which independently evaluate their information for potential sources of danger. This was the consequence of the Service's lack of an adequate investigative staff, its inability to process large amounts of data, and its failure to provide specific descriptions of the kind of information it sought.²³⁵

The Secret Service has embarked upon a complete overhaul of its research activities.²³⁶ The staff of the Protective Research Section (PRS) has been augmented, and a Secret Service inspector has been put in charge of this operation. With the assistance of the President's Office of Science and Technology, and of the Advanced Research Projects Agency of the Department of Defense, it has obtained the services of outside consultants, such as the Rand Corp., International Business Machines Corp., and a panel of psychiatric and psychological experts. It has received assistance also from data processing experts at the CIA and from a specialist in psychiatric prognostication at Walter Reed Hospital.²³⁷ As a result of these studies, the planning document submitted by the Secretary of the Treasury to the Bureau of the Budget on August 31, 1964, makes several significant recommendations in this field.²³⁸ Based on the Commission's investigation, the following minimum goals for improvements are indicated:

Broader and more selective criteria.—Since the assassination, both the Secret Service and the FBI have recognized that the PRS files can no longer be limited largely to persons communicating actual threats to the President. On December 26, 1963, the FBI 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 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.²³⁹

Alan H. Belmont, Assistant to the Director of the FBI, testified that this revision was initiated by the FBI itself.²⁴⁰ The volume of references to the Secret Service has increased substantially since the new instructions went into effect; more than 5,000 names were referred to the Secret Service in the first 4 months of 1964.²⁴¹ According to Chief Rowley, by mid-June 1964, the Secret Service had received from the FBI some 9,000 reports on members of the Communist Party.²⁴² The FBI now transmits information on all defectors,²⁴³ a category which would, of course, have included Oswald.

Both Director Hoover and Belmont expressed to the Commission the great concern of the FBI, which is shared by the Secret Service, that referrals to the Secret Service under the new criteria might, if not properly handled, result in some degree of interference with the personal liberty of those involved.²⁴⁴ They emphasized the necessity that the information now being furnished be handled with judgment and care. The Commission shares this concern. The problem is aggravated by the necessity that the Service obtain the assistance of local law enforcement officials in evaluating the information which it receives and in taking preventive steps.

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.²⁴⁵ The suggestions of Federal agencies for revision of these guidelines were solicited. 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.²⁴⁶ 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."²⁴⁷ 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.²⁴⁸

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. Chief Rowley believed that they would, because of Oswald's demonstrated hostility toward the Secretary of the Navy in his letter of January 30, 1962.²⁴⁹

I shall employ all means to right this gross mistake or injustice to a boni-fied U.S. citizen and ex-service man. The U.S. government has no charges or complaints against me. I ask you to look into this case and take the necessary steps to repair the damage done to me and my family.²⁵⁰

Even with the advantage of hindsight, this letter does not appear to express or imply Oswald's "determination to use a means, other than legal or peaceful, to satisfy [his] grievance" within the meaning of the new criteria.²⁵¹

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.²⁵² 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.

Liaison with other agencies regarding intelligence.—The Secret Service's liaison with the agencies that supply information to it has been too casual. Since the assassination, the Service has recognized that these relationships must be far more formal, and each agency given clear understanding of the assistance which the Secret Service expects.²⁵³

Once the Secret Service has formulated its new standards for collection of information, it should enter into written agreements with each Federal agency and the leading State and local agencies that might be a source of such information. Such agreements should describe in detail the information which is sought, the manner in which it will be provided to the Secret Service, and the respective responsibilities for any further investigation that may be required.

This is especially necessary with regard to the FBI and CIA, which carry the major responsibility for supplying information about potential threats, particularly those arising from organized groups, within their special jurisdiction. Since these agencies are already obliged constantly to evaluate the activities of such groups, they should be responsible for advising the Secret Service if information develops indicating the existence of an assassination plot and for reporting such events as a change in leadership or dogma which indicate that the group may present a danger to the President. Detailed formal agreements embodying these arrangements should be worked out between the Secret Service and both of these agencies.

It should be made clear that the Secret Service will in no way seek to duplicate the intelligence and investigative capabilities of the

agencies now operating in this field but will continue to use the data developed by these agencies to carry out its special duties. Once experience has been gained in implementing such agreements with the Federal and leading State and local agencies, the Secret Service, through its field offices, should negotiate similar arrangements with such other State and local law enforcement agencies as may provide meaningful assistance. Much useful information will come to the attention of local law enforcement agencies in the regular course of their activities, and this source should not be neglected by undue concentration on relationships with other Federal agencies. Finally, these agreements with Federal and local authorities will be of little value unless a system is established for the frequent formal review of activities thereunder.

In this regard the Commission notes with approval several recent measures taken and proposed by the Secret Service to improve its liaison arrangements. In his testimony Secretary of the Treasury C. Douglas Dillon informed the Commission that an interagency committee has been established to develop more effective criteria. According to Secretary Dillon, the Committee will include representatives of the President's Office of Science and Technology, Department of Defense, CIA, FBI, and the Secret Service.²⁵⁴ In addition, the Department of the Treasury has requested five additional agents for its Protective Research Section to serve as liaison officers with law enforcement and intelligence agencies.²⁵⁵ On the basis of the Department's review during the past several months, Secretary Dillon testified that the use of such liaison officers is the only effective way to insure that adequate liaison is maintained.²⁵⁶ As a beginning step to improve liaison with local law enforcement officials, the Secret Service on August 26, 1964, directed its field representatives to send a form request for intelligence information to all local, county, and State law enforcement agencies in their districts.²⁵⁷ Each of these efforts appears sound, and the Commission recommends that these and the other measures suggested by the Commission be pursued vigorously by the Secret Service.

Automatic data processing.—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. PRS 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 Secret Service and the Department of the Treasury now recognize this critical need. In the planning document currently under review by the Bureau of the Budget, the Department recommends that it be permitted to hire five qualified persons "to plan and develop a workable and efficient automated file and retrieval system."²⁵⁸ Also the Department requests the sum of \$100,000 to conduct a detailed feasibility study; this money would be used to compensate

consultants, to lease standard equipment or to purchase specially designed pilot equipment.²⁵⁹ On the basis of such a feasibility study, the Department hopes to design a practical system which will fully meet the needs of the Protective Research Section of the Secret Service.

The Commission recommends that prompt and favorable consideration be given to this request. The Commission further recommends that the Secret Service coordinate its planning as closely as possible with all of the Federal agencies from which it receives information. 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.*

Protective Research participation in advance arrangements.—Since the assassination, Secret Service procedures have been changed to require that a member of PRS accompany each advance survey team to establish liaison with local intelligence gathering agencies and to provide for the immediate evaluation of information received from them.²⁶⁰ This PRS agent will also be responsible for establishing an informal local liaison committee to make certain that all protective intelligence activities are coordinated. Based on its experience during this period, the Secret Service now recommends that additional personnel be made available to PRS so that these arrangements can be made permanent without adversely affecting the operations of the Service's field offices.²⁶¹ The Commission regards this as a most useful innovation and urges that the practice be continued.

Liaison With Local Law Enforcement Agencies

Advice by the Secret Service to local police in metropolitan areas relating to the assistance expected in connection with a Presidential visit has hitherto been handled on an informal basis.²⁶² The Service should consider preparing formal explanations of the cooperation anticipated during a Presidential visit to a city, in formats that can be communicated to each level of local authorities. Thus, the local chief of police could be given a master plan, prepared for the occasion, of all protective measures to be taken during the visit; each patrolman might be given a prepared booklet of instructions explaining what is expected of him.

*In evaluating data processing techniques of the Secret Service, the Commission had occasion to become informed, to a limited extent, about the data processing techniques of other Federal intelligence and law enforcement agencies. The Commission was struck by the apparent lack of effort, on an interagency basis, to develop coordinated and mutually compatible systems, even where such coordination would not seem inconsistent with the particular purposes of the agency involved. The Commission recognizes that this is a controversial area and that many strongly held views are advanced in resistance to any suggestion that an effort be made to impose any degree of coordination. This matter is obviously beyond the jurisdiction of the Commission, but it seems to warrant further study before each agency becomes irrevocably committed to separate action. The Commission, therefore, recommends that the President consider ordering an inquiry into the possibility that coordination might be achieved to a greater extent than seems now to be contemplated, without interference with the primary mission of each agency involved.

The Secret Service has expressed concern that written instructions might come into the hands of local newspapers, to the prejudice of the precautions described.²⁶³ However, the instructions must be communicated to the local police in any event and can be leaked to the press whether or not they are in writing. More importantly, the lack of carefully prepared and carefully transmitted instructions for typical visits to cities can lead to lapses in protection, such as the confusion in Dallas about whether members of the public were permitted on overpasses.²⁶⁴ Such instructions will not fit all circumstances, of course, and should not be relied upon to the detriment of the imaginative application of judgment in special cases.

Inspection of Buildings

Since the assassination of President Kennedy, the Secret Service has been experimenting with new techniques in the inspection of buildings along a motorcade route.²⁶⁵ According to Secretary Dillon, the studies indicate that there is some utility in attempting to designate certain buildings as involving a higher risk than others.²⁶⁶ The Commission strongly encourages these efforts to improve protection along a motorcade route. The Secret Service should utilize the personnel of other Federal law enforcement offices in the locality to assure adequate manpower for this task, as it is now doing.²⁶⁷ Lack of adequate resources is an unacceptable excuse for failing to improve advance precautions in this crucial area of Presidential protection.

Secret Service Personnel and Facilities

Testimony and other evidence before the Commission suggest that the Secret Service is trying to accomplish its job with too few people and without adequate modern equipment. Although Chief Rowley does not complain about the pay scale for Secret Service agents, salaries are below those of the FBI and leading municipal police forces.²⁶⁸ The assistant to the Director of the FBI testified that the caseload of each FBI agent averaged 20-25, and he felt that this was high.²⁶⁹ Chief Rowley testified that the present workload of each Secret Service agent averages 110.1 cases.²⁷⁰ While these statistics relate to the activities of Secret Service agents stationed in field offices and not the White House detail, field agents supplement those on the detail, particularly when the President is traveling. Although the Commission does not know whether the cases involved are entirely comparable, these figures suggest that the agents of the Secret Service are substantially overworked.

In its budget request for the fiscal year beginning July 1, 1964, the Secret Service sought funds for 25 new positions, primarily in field offices.²⁷¹ This increase has been approved by the Congress.²⁷² Chief Rowley explained that this would not provide enough additional manpower to take all the measures which he considers required. However, the 1964-65 budget request was submitted in November 1963 and

requests for additional personnel were not made because of the studies then being conducted.²⁷³

The Secret Service has now presented its recommendations to the Bureau of the Budget.²⁷⁴ The plan proposed by the Service would take approximately 20 months to implement and require expenditures of approximately \$3 million during that period. The plan provides for an additional 205 agents for the Secret Service. Seventeen of this number are proposed for the Protective Research Section; 145 are proposed for the field offices to handle the increased volume of security investigations and be available to protect the President or Vice President when they travel; 18 agents are proposed for a rotating pool which will go through an intensive training cycle and also be available to supplement the White House detail in case of unexpected need; and 25 additional agents are recommended to provide the Vice President full protection.

The Commission urges that the Bureau of the Budget review these recommendations with the Secret Service and authorize a request for the necessary supplemental appropriation, as soon as it can be justified. The Congress has often stressed that it will support any reasonable request for funds for the protection of the President.²⁷⁵

Manpower and Technical Assistance From Other Agencies

Before the assassination the Secret Service infrequently requested other Federal law enforcement agencies to provide personnel to assist in its protection functions.²⁷⁶ Since the assassination, the Service has experimented with the use of agents borrowed for short periods from such agencies. It has used other Treasury law enforcement agents on special experiments in building and route surveys in places to which the President frequently travels.²⁷⁷ It has also used other Federal law enforcement agents during Presidential visits to cities in which such agents are stationed. Thus, in the 4 months following the assassination, the FBI, on 16 separate occasions, supplied a total of 139 agents to assist in protection work during a Presidential visit,²⁷⁸ which represents a departure from its prior practice.²⁷⁹ From February 11 through June 30, 1964, the Service had the advantage of 9,500 hours of work by other enforcement agencies.²⁸⁰

The FBI has indicated that it is willing to continue to make such assistance available, even though it agrees with the Secret Service that it is preferable for the Service to have enough agents to handle all protective demands.²⁸¹ The Commission endorses these efforts to supplement the Service's own personnel by obtaining, for short periods of time, the assistance of trained Federal law enforcement officers. In view of the ever-increasing mobility of American Presidents, it seems unlikely that the Service could or should increase its own staff to a size which would permit it to provide adequate protective manpower for all situations. The Commission recommends that the agencies involved determine how much periodic assistance they can provide, and that each such agency and the Secret Service enter into a formal

agreement defining such arrangements. It may eventually be desirable to codify the practice in an Executive order. The Secret Service will be better able to plan its own long-range personnel requirements if it knows with reasonable certainty the amount of assistance that it can expect from other agencies.

The occasional use of personnel from other Federal agencies to assist in protecting the President has a further advantage. It symbolizes the reality that the job of protecting the President has not been and cannot be exclusively the responsibility of the Secret Service. The Secret Service in the past has sometimes guarded its right to be acknowledged as the sole protector of the Chief Executive. This no longer appears to be the case.²⁸² Protecting the President is a difficult and complex task which requires full use of the best resources of many parts of our Government. Recognition that the responsibility must be shared increases the likelihood that it will be met.

Much of the Secret Service work requires the development and use of highly sophisticated equipment, some of which must be specially designed to fit unique requirements. Even before the assassination, and to a far greater extent thereafter, the Secret Service has been receiving full cooperation in scientific research and technological development from many Government agencies including the Department of Defense and the President's Office of Science and Technology.²⁸³

Even if the manpower and technological resources of the Secret Service are adequately augmented, it will continue to rely in many respects upon the greater resources of the Office of Science and Technology and other agencies. The Commission recommends that the present arrangements with the Office of Science and Technology and the other Federal agencies that have been so helpful to the Secret Service be placed on a permanent and formal basis. The exchange of letters dated August 31, 1964, between Secretary Dillon and Donald F. Hornig, Special Assistant to the President for Science and Technology, is a useful effort in the right direction.²⁸⁴ The Service should negotiate a memorandum of understanding with each agency that has been assisting it and from which it can expect to need help in the future. The essential terms of such memoranda might well be embodied in an Executive order.

CONCLUSION

This Commission can recommend no procedures for the future protection of our Presidents which will guarantee security. The demands on the President in the execution of his responsibilities in today's world are so varied and complex and the traditions of the office in a democracy such as ours are so deepseated as to preclude absolute security.

The Commission has, however, from its examination of the facts of President Kennedy's assassination made certain recommendations

which it believes would, if adopted, materially improve upon the procedures in effect at the time of President Kennedy's assassination and result in a substantial lessening of the danger.

As has been pointed out, the Commission has not resolved all the proposals which could be made. The Commission nevertheless is confident that, with the active cooperation of the responsible agencies and with the understanding of the people of the United States in their demands upon their President, the recommendations we have here suggested would greatly advance the security of the office without any impairment of our fundamental liberties.

