

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	For the President from Special Agent in Charge re: Truman Balcony (2 pages)	07/09/96	b(7)(C), b(7)(E), b(6)
002a. memo	For Margaret A. Williams from Gary J. Walters re: protective windows (1 page)	12/23/94	b(7)(C), b(7)(E), b(6)
002b. schedule	Windows Phase II (2 pages)	12/23/94	b(7)(E)
003a. memo	For Margaret A. Williams from Gary J. Walters re: protective windows (copy of 002a) (1 page)	12/23/94	b(7)(C), b(7)(E), b(6)
003b. schedule	Windows Phase II (copy of 002b) (2 pages)	12/23/94	b(7)(E)
004. note	Handwritten notes re: Secret Service (1 page)	12/23/94	b(7)(C), b(7)(E), b(6)
005. memo	To Chief of Secret Service from Pam Barnett re: [incident] (partial) (1 page)	03/14/94	b(7)(C), b(6)
006a. memo	To Mack McLarty from Ronald K. Noble re: Secret Service (1 page)	09/01/93	b(6)
006b. memo	To John W. Magaw from Ronald K. Noble re: Secret Service (1 page)	09/01/93	b(7)(C), b(7)(E), b(6)
006c. memo	To Mack McLarty from Ronald K. Noble re: Secret Service (copy of 006a) (1 page)	09/01/93	b(6)
006d. memo	To John Magaw from Ronald K. Noble re: Secret Service (copy of 006b) (1 page)	09/01/93	b(7)(C), b(7)(E), b(6)
007a. memo	To [Secret Service] from Capricia Marshall re: residence (2 pages)	08/28/93	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Maggie Williams (Subject Files)
OA/Box Number: 10815

FOLDER TITLE:

Secret Service Info

2013-0359-S

ry1452

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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RR. Document will be reviewed upon request.

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007b. report	Re: USSS (1 page)	n.d.	b(6)
008a. memo	To Thomas F. McLarty from Ronald K. Noble re: Secret Service (3 pages)	09/02/93	b(7)(C), b(7)(E), b(6)
008b. memo	To John W. Magaw from Ronald K. Noble re: Secret Service (1 page)	09/01/93	b(7)(C), b(7)(E), b(6)
009. memo	To David Watkins, Margaret A. Williams, Isabelle R. Tapia from [special agent] re: protective measures (2 pages)	09/09/93	b(7)(C), b(7)(E), b(6)

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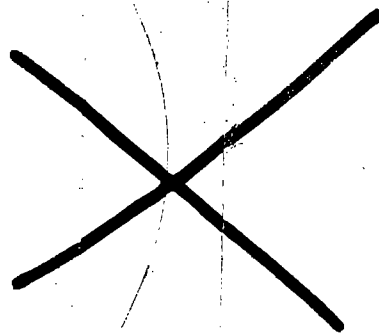
THE WHITE HOUSE
WASHINGTON

Maggie Williams

~~EVERLYN LIEBERMAN~~

Eyes Only

PHOTOCOPY
PRESERVATION



**PHOTOCOPY
PRESERVATION**

EXECUTIVE CORRESPONDENCE

**PHOTOCOPY
PRESERVATION**

**DO NOT WRITE ON THIS COVER AS IT IS INTENDED FOR RE-USE
RETURN IT WITH THE FILE COPIES TO ORIGINATING OFFICE**

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FAX: 802/701-7109

Questions for Don Edwards, spokesman of the Secret Service, regarding a story discussing package disputes between the Secret Service and the White House and Treasury, ~~on the other~~

1. Has any agent been transferred from covering the White House and First Family since they took office?

a. at the request of the First Family or the White House or the Treasury for either lacking, errors in discretion or for lack of acceptable manners? or

b. at the request of the agent because of incompatibility with any member of the first family's behavior, or a specific incident of perceived abusive treatment? or

c. are either of a, or b, being negotiated or actually in the works, but not yet consummated?

normal adjustment
2. The Clinton's want more freedom from close personal protection at least while they are moving around the White House and in their offices and personal quarters. Newsweek has information that the Secret Service is resisting this, and that both the Clinton's and the Treasury are increasingly frustrated. Why is the Secret Service resisting this, and who is negotiating for the secret service. One assumes it is director John Magaw. Is it someone else and who?

There is no conflict between Pres, 1st Lady, & (I am agent) & those who protect them
3. Secretary Bentsen and White House aide Mack McLarty are reported to be discussing leaks emanating from the Secret Service about the first family's private life and insisting that they be stopped. Any comment? *We have no know. of any such conversation*

4. The White House is reported to have grown so frustrated that it is understood the Secret Service has been warned that another Federal agency might be selected to replace the S.S. in protecting the first family and the White House. Any comment?

5. Secretary Bentsen and his aide, Jack DeVore, have been trying to order the Secret Service to accept White House passes at the Treasury since taking office, eliminating the hassle of individual FBI computer checks or such card holders. Why is the Secret Service refusing to accept the more accommodating procedure? Former Treasury Secretary James Baker instituted the extra check as a roadblock to White House reporters, not not as a security measure.

Don: While talking on the phone, I have reflected and guess I'd like also to ask:

6. Are any of the reports that Mrs. Clinton has had altercations with Secret Service agents true? Specifically, there is a widely believed story that Mrs. Clinton in a moment of pique threw a

03/31/93 12:59 0501 6714140 ST VINCENT
MAR 31 '93 11:19AM USSS PPD OPERATIONS OE0B

004/005
P.3/5

briefing book, or other article, at a Secret Service agent, hitting him in the head or body, and triggering a formal complaint to Secret Service management.

Don: thanks in advance.

phone: 626-2028
home phone: 331 297-7093
fax: 626-2011

Rich Thomas
Rich Thomas, Chief Economic Correspondent, Newsweek

For: Rich Thomas, Chief Economic Correspondent, ~~Newsweek~~

1. a. No.

b. No.

c. No.

The assignment to the Presidential Protective Division is typically 3 to 5 years. Naturally, agents who have completed their assignment are being transferred. This is part of a career planning process whereby an agent is assigned to field investigations, headquarters and protection.

2. During any transition there are adjustments that have to be made. The Secret Service is constantly evaluating its procedures and measures. One of the things that we take into account are the wishes of the people we protect. Working closely with the protectees and their staff, we attempt to accomodate them in any way possible. The Secret Service is not resisting anything.

3. We have no knowledge of such a conversation.

4. Untrue. No one has ever given us any such "warning."

5. Admission policies at Treasury were recently modified, and are currently under review by the Assistant Secretaries (Designate) of Enforcement and Public Affairs. The Secret

Service will support both the letter and the spirit of whatever policies are adopted. (Rich - I understand that the instance where your entry was delayed occurred just prior to the Assistant Secretary (Designate) for Enforcement's approval of the modified policy, i.e. you arrived thinking the modified policy was in effect, but it was not.)

6. None of the reports that Mrs. Clinton has had altercations with Secret Service agents are true. Mrs. Clinton has never hit, struck or thrown a briefing book or any other article at any Secret Service employee. She has never abused our employees physically or verbally. We began protecting Mrs. Clinton on July 9, 1992. She has always treated our employees with utmost respect. Rich, I hope you use your article and your position in the media to disabuse the public and your colleagues of these unfounded and unfortunate rumors regarding the Secret Service and Mrs. Clinton.

Rich -

We appreciate your giving us the opportunity to comment on your article.

Don Edwards

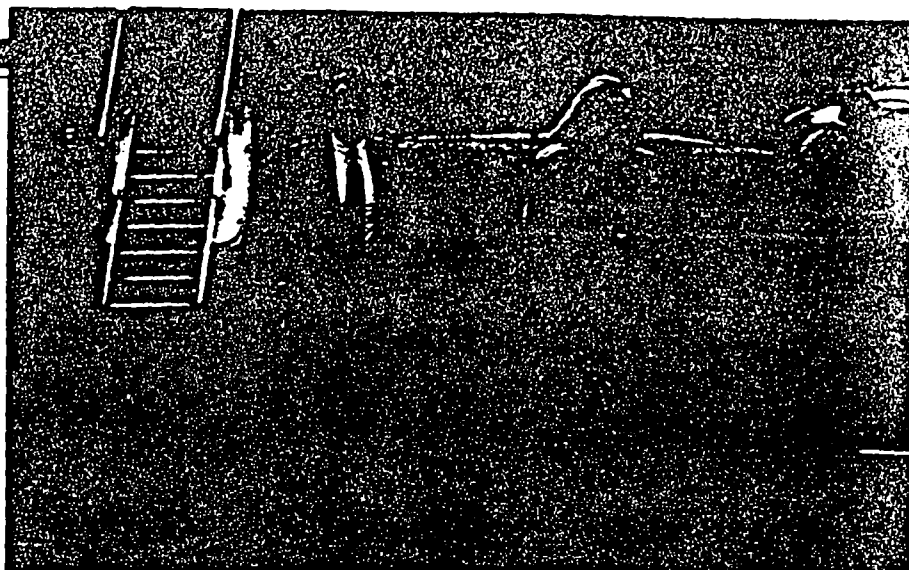
3/26/93

of innocence by association. Activists created a core lobbying coalition called the Campaign for Military Service that includes the NAACP, the American Psychological Association and even the United Methodist Church, which does not permit openly gay clergy. Led by New York lawyer Tom Stoddard, the coalition hopes to raise \$3 million, spending two thirds of that on advertising. A paid staff of 25 includes veterans of the Clinton-Gore campaign, and an opposition research team is digging up past statements of pro-ban Senate witnesses to help a "rapid response team" put out quick rebuttals to negative testimony. The coalition has assigned all 100 senators a numerical code ranging from 1 to 5 depending on their likelihood of being supportive, targeting most efforts on the 2s, 3s and 4s.

The thorniest problem for gay-rights groups has been dealing with the public's complicated attitudes about homosexuality. Focus groups conducted for the coalition by Democratic pollster Mark Mellman showed that some people who favored the ban changed their minds after seeing films about servicemen and women being kicked out for being gay. The key, strategists concluded, was to focus on the issue of discrimination and not attempt to justify the "lifestyle." Supporters of the ban "will mouth arguments about showers and latrines, but when you really get down to it, it is about morality for them," says an adviser familiar with the research. Several focus-group participants also said they became more tolerant about gays in the military after hearing news reports that homosexuality may be biologically determined. "If it's a choice, then it is an immoral choice," the adviser says. "But if it is not a choice, then it is really hard to hold people responsible."

The coalition operates at one disadvantage not shared by most protest movements: many of its supporters do not want to be identified with the cause. An upcoming gay and lesbian march on Washington may impress Congress with its numbers—organizers are predicting up to 1 million demonstrators—but poses some potential problems as well. If the public focuses on extreme participants like Queer Nation, the coalition's efforts to showcase patriotic gay soldiers will be undermined. The gay-rights groups have to keep the battle contained to one front, while opponents will seek to broaden the conflict to tap into a deeper emotional discomfort with homosexuals. As one retired general warned, allowing gays openly in the military would be "a fast ticket to social acceptability." However sophisticated the lobbying effort, gay-rights activists know that they don't have a chance unless they have aggressive and unwavering support from their most famous advocate: Bill Clinton.

STEVEN WALDMAN with DANIEL GLICK, MARK MILLER and ELEANOR CLIFT in Washington



IRA WYMAN FOR NEWSWEEK

Living in the fishbowl: The First Lady with an agent deplaning in Little Rock

The Not-So-Secret Service

The Clintons are angry about leaks from agents

From the beginning, the Clintons chafed at their Secret Service protection. Wherever the hyperactive President and First Lady roamed, men in suits wearing earpieces seemed to follow. The agents not only watched, apparently, but listened—and talked. Although the Secret Service is supposed to be discreet, rumors about the Clintons' private life began making the rounds in Washington. An angry White House traced a couple of those rumors to the guardians. NEWSWEEK has learned that an official of the Treasury Department, which oversees the Presidential Protective Division, has delivered a threat: if the Secret Service doesn't back off and button up, another federal agency will be found to protect the First Family.

For the Secret Service, this is war. The agency doesn't want to surrender any of its expanded authority. Ever since the 1981 attempt on Ronald Reagan's life, agents have been stationed inside the First Family's living quarters. Horrified at the intrusion into their privacy, the Clintons shifted them to a second-floor outpost. Don Edwards, spokesman for the Secret Service, insists the agency was never threatened and "is not resisting anything." But he acknowledges that Clinton is an energetic, accessible president, and everyone is adjusting—some apparently better than others. Like the waiter who shows displeasure by spitting in the soup, some agents apparently began telling tales of what might be called spirited discussions between the Clintons. Pretty soon, Washington dinner parties were buzzing with stories of Hillary throwing—take your pick—a lamp, a briefing book or a Bible at

Bill. One outlandish tale has an angry Hillary lighting a cigarette to trigger her husband's allergies—this from a woman who banned smoking in the White House.

There is no evidence to support any of the stories. White House spokesman George Stephanopoulos denies everything from the home-front battles to dissension with the Secret Service. "It's ill informed, malicious, untrue gossip," he says, adding, "It's part of the air here." That much is true. When it comes to gossip, Washington is a small town. The late Alice Roosevelt Longworth kept a needlepoint pillow that said, "If you haven't got anything good to say about anyone, come and sit by me." Right-wing Republicans have been most active in spreading the notion that Hillary is the power in front of the throne, calling the shots and cursing like a man. But even White House aides feed the rumor mill in a can-you-top-this competition. The conservative Washington Times last week traced the rumor about Hillary throwing a Bible to stories about another First Lady, the wife of a governor who has been accused of bullying her security guards.

Rumors are a reality the Clintons will have to learn to live with. But adjusting to the ever-present Secret Service may be more difficult. Other presidents have learned to coexist. George Bush made a point of spending Christmas in the White House instead of at Camp David so his agents could be with their families. Still, living in the fishbowl of the White House is hard enough without worrying about a Secret Service that can't keep mum.

ELEANOR CLIFT with RICH THOMAS in Washington

Phones

HRC - Request
for Secret Service

Historically -
How many - uniform.

Handling concerns

John

CHRIS

MARK Allen

House Meeting -

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employees of the said Bureau of Prisons may carry firearms under such rules and regulations as the Attorney General may prescribe.

(As amended Nov. 10, 1986, Pub.L. 99-646, § 65, 100 Stat. 3615.)

REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 753k (June 29, 1940, ch. 449, § 5, 54 Stat. 693).

Section was broadened to include authority to make arrests for mutiny, riot or traffic in dangerous instrumentalities, by reference to section 1792 of this title.

Minor changes were made in phraseology and provision for taking arrested person before magistrate was omitted as covered by rule 5(a) of the Federal Rules of Criminal Procedure.

[§ 3051. Repealed. Oct. 31, 1951, c. 655, § 56(f), 65 Stat. 729]

§ 3052. Powers of Federal Bureau of Investigation

The Director, Associate Director, Assistant to the Director, Assistant Directors, inspectors, and agents of the Federal Bureau of Investigation of the Department of Justice may carry firearms, serve warrants and subpoenas issued under the authority of the United States and make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

(As amended Jan. 10, 1951, c. 1221, § 1, 64 Stat. 1239.)

REVISION NOTES

Based on section 300a of title 5, U.S.C., 1940 ed., Executive Departments and Government Officers and Employees (June 18, 1934, ch. 595, 48 Stat. 1008; Mar. 22, 1935, ch. 39, title II, 49 Stat. 77).

Language relating to seizures under warrant is in section 3107 of this title.

Minor changes were made in phraseology particularly with respect to omission of provision covered by rule 5(a) of Federal Rules of Criminal Procedure.

§ 3053. Powers of marshals and deputies

United States marshals and their deputies may carry firearms and may make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

REVISION NOTES

Based on section 504a of title 28, U.S.C., 1940 ed., Judicial Code and Judiciary (June 15, 1935, ch. 259, § 2, 49 Stat. 378).

Minor changes were made in phraseology.

[§ 3054. Repealed. Pub. L. 97-79, § 9(b)(3), Nov. 16, 1981, 95 Stat. 1079]

§ 3055. Officers' powers to suppress Indian liquor traffic

The chief special officer for the suppression of the liquor traffic among Indians and duly authorized officers working under his supervision whose appointments are made or affirmed by the Commissioner of Indian Affairs or the Secretary of the Interior may execute all warrants of arrest and other lawful precepts issued under the authority of the United States and in the execution of his duty he may command all necessary assistance.

REVISION NOTES

Based on section 250 of title 25, U.S.C., 1940 ed., Indians (Aug. 24, 1912, ch. 388, § 1, 37 Stat. 519).

The only change was to delete the words at the beginning of the section. "The powers conferred by section 504 of title 28 upon marshals and their deputies are conferred upon." and the addition, at the end of the section, of the phrase expressing such powers beginning with the words "may execute all warrants".

§ 3056. Powers, authorities, and duties of United States Secret Service

(a) Under the direction of the Secretary of the Treasury, the United States Secret Service is authorized to protect the following persons:

(1) The President, the Vice President (or other officer next in the order of succession to the Office of President), the President-elect, and the Vice President-elect.

(2) The immediate families of those individuals listed in paragraph (1).

(3) Former Presidents and their spouses for their lifetimes, except that protection of a spouse shall terminate in the event of remarriage.

(4) Children of a former President who are under 16 years of age.

(5) Visiting heads of foreign states or foreign governments.

(6) Other distinguished foreign visitors to the United States and official representatives of the United States performing special missions abroad when the President directs that such protection be provided.

(7) Major Presidential and Vice Presidential candidates and, within 120 days of the general Presidential election, the spouses of such candidates. As used in this paragraph, the term "major Presidential and Vice Presidential candidates" means those individuals identified as such by the Secre-

tary of the Treasury after consultation with an advisory committee consisting of the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority and minority leaders of the Senate, and one additional member selected by the other members of the committee.

The protection authorized in paragraphs (2) through (7) may be declined.

(b) Under the direction of the Secretary of the Treasury, the Secret Service is authorized to detect and arrest any person who violates—

(1) section 508, 509, 510, 871, or 879 of this title or, with respect to the Federal Deposit Insurance Corporation, Federal land banks, and Federal land bank associations, section 213, 216, 433, 493, 657, 709, 1006, 1007, 1011, 1013, 1014, 1907, or 1909 of this title;

(2) any of the laws of the United States relating to coins, obligations, and securities of the United States and of foreign governments; or

(3) any of the laws of the United States relating to electronic fund transfer frauds, credit and debit card frauds, and false identification documents or devices; except that the authority conferred by this paragraph shall be exercised subject to the agreement of the Attorney General and the Secretary of the Treasury and shall not affect the authority of any other Federal law enforcement agency with respect to those laws.

(c)(1) Under the direction of the Secretary of the Treasury, officers and agents of the Secret Service are authorized to—

(A) execute warrants issued under the laws of the United States;

(B) carry firearms;

(C) make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony;

(D) offer and pay rewards for services and information leading to the apprehension of persons involved in the violation or potential violation of those provisions of law which the Secret Service is authorized to enforce;

(E) pay expenses for unforeseen emergencies of a confidential nature under the direction of the Secretary of the Treasury and accounted for solely on the Secretary's certificate; and

(F) perform such other functions and duties as are authorized by law.

(2) Funds expended from appropriations available to the Secret Service for the purchase of counterfeits and subsequently recovered shall be reimbursed to the appropriations available to the Secret Service at the time of the reimbursement.

(d) Whoever knowingly and willfully obstructs, resists, or interferes with a Federal law enforcement agent engaged in the performance of the protective functions authorized by this section or by section 1752 of this title shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (As amended July 16, 1951, c. 226, § 4, 65 Stat. 122; Aug. 31, 1954, c. 1143, § 2, 68 Stat. 999; Aug. 18, 1959, Pub.L. 86-168, Title I, § 104(h), 73 Stat. 387; Oct. 10, 1962, Pub.L. 87-791, 76 Stat. 809; Oct. 15, 1962, Pub.L. 87-829, § 3, 76 Stat. 956; Sept. 15, 1965, Pub.L. 89-186, 79 Stat. 791; Sept. 29, 1965, Pub.L. 89-218, 79 Stat. 890; Oct. 21, 1968, Pub.L. 90-608, ch. XI, § 1101, 82 Stat. 1198; Jan. 2, 1971, Pub.L. 91-644, Title V, § 19, 84 Stat. 1892; Jan. 5, 1971, Pub.L. 91-651, § 4, 84 Stat. 1941; July 12, 1974, Pub.L. 93-346, § 8, as added Dec. 27, 1974, Pub.L. 93-552, Title VI, § 609(a), 88 Stat. 1765; Sept. 11, 1976, Pub.L. 94-408, § 2, 90 Stat. 1239; Oct. 12, 1982, Pub.L. 97-297, § 3, 96 Stat. 1318; Oct. 14, 1982, Pub.L. 97-308, § 2, 96 Stat. 1452; Nov. 14, 1983, Pub.L. 98-151, § 115(b), 98 Stat. 977; Oct. 30, 1984, Pub.L. 98-587, § 1(a), 98 Stat. 3110.)

REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 148, and on sections 264(x) and 986 of title 12, U.S.C., 1940 ed., Banks and Banking (Dec. 23, 1913), ch. 6, § 12B, subsection (x), as added June 16, 1933, ch. 89, § 8, 48 Stat. 178; July 17, 1916, ch. 245, § 31, sixth paragraph, 39 Stat. 382 (384); Dec. 11, 1926, ch. 2, § 3, 44 Stat. 918; Aug. 23, 1935, ch. 614, § 101, 49 Stat. 684, 703).

Section consolidates said section 148 of title 18, U.S.C., 1940 ed., and said sections 264(x) and 986 of title 12, U.S.C., 1940 ed., Banks and Banking.

Said section 148 of title 12, U.S.C., 1940 ed., Banks and Banking, was concerned with offenses relating to counterfeiting and passing, etc., of transportation requests and to the unlawful possession or making of plates, stones, etc., used in making such requests, which were defined in sections 146 and 147 of said title 18, now sections 508 and 509 of this title.

Said sections 264(x) and 986 of title 12, U.S.C., 1940 ed., Banks and Banking, were concerned with various offenses as defined in sections 981-985, 987 of said title 12, relating to Federal land banks, joint-stock land banks and national farm loan associations, and as defined in section 264 of said title 12 relating to the Federal Deposit Insurance Corporation. All of the provisions of said sections 981-985, 987 of said title 12, and the criminal provisions of said section 264 of said title 12, were transferred to this title where they were, in some instances, consolidated with similar provisions from other sections. Such provisions are now incorporated in sections 218, 221, 433, 493, 657, 709, 1006, 1007, 1011, 1013, 1014, 1907, and 1909 of this title. In most instances, these sections, as the result of the consolidations, relate to other organizations as well as those mentioned above, but, by enumerating the Federal Deposit Insurance Corporation, Federal land banks, joint-stock land banks, and national

§ 1752. Temporary residences and offices of the President and others

(a) It shall be unlawful for any person or group of persons—

(1) willfully and knowingly to enter or remain in—
(i) any building or grounds designated by the Secretary of the Treasury as temporary residences of the President or other person protected by the Secret Service or as temporary offices of the President and his staff or of any other person protected by the Secret Service, or

(ii) any posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service is or will be temporarily visiting, in violation of the regulations governing ingress or egress thereto;

(2) with intent to impede or disrupt the orderly conduct of Government business or official functions, to engage in disorderly or disruptive conduct in, or within such proximity to, any building or grounds designated in paragraph (1) when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions;

(3) willfully and knowingly to obstruct or impede ingress or egress to or from any building, grounds, or area designated or enumerated in paragraph (1); or

(4) willfully and knowingly to engage in any act of physical violence against any person or property in any building, grounds, or area designated or enumerated in paragraph (1).

(b) Violation of this section, and attempts or conspiracies to commit such violations, shall be punishable by a fine not exceeding \$500 or imprisonment not exceeding six months, or both.

(c) Violation of this section, and attempts or conspiracies to commit such violations, shall be prosecuted by the United States attorney in the Federal district court having jurisdiction of the place where the offense occurred.

(d) The Secretary of the Treasury is authorized—

(1) to designate by regulations the buildings and grounds which constitute the temporary residences of the President or other person protected by the Secret Service and the temporary offices of the President and his staff or of any other person protected by the Secret Service, and

(2) to prescribe regulations governing ingress or egress to such buildings and grounds and to posted, cordoned off, or otherwise restricted areas where the President or other person protected by the Secret Service is or will be temporarily visiting.

(e) None of the laws of the United States or of the several States and the District of Columbia shall be superseded by this section.

(f) As used in this section, the term "other person protected by the Secret Service" means any person whom the United States Secret Service is authorized to protect under section 3056 of this title when such person has not declined such protection.

(Added Pub.L. 91-644, Title V, § 18, Jan. 2, 1971, 84 Stat. 1891, and amended Pub.L. 97-308, § 1, Oct. 14, 1982, 96 Stat. 1451; Pub.L. 98-587, § 3(b), Oct. 30, 1984, 98 Stat. 3112.)

CHAPTER 85—PRISON-MADE GOODS

Sec.

1761. Transportation or importation.

1762. Marking packages.

EDITORIAL NOTES

Savings Provisions of Pub.L. 98-473, Title II, c. II. See section 235 of Pub.L. 98-473, Title II, c. II, Oct. 12, 1984, 98 Stat. 2031, as amended, set out as a note under section 3551 of this title.

§ 1761. Transportation or importation

(a) Whoever knowingly transports in interstate commerce or from any foreign country into the United States any goods, wares, or merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners, except convicts or prisoners on parole, supervised release, or probation, or in any penal or reformatory institution, shall be fined not more than \$50,000 or imprisoned not more than two years, or both.

(b) This chapter shall not apply to agricultural commodities or parts for the repair of farm machinery, nor to commodities manufactured in a Federal, District of Columbia, or State institution for use by the Federal Government, or by the District of Columbia, or by any State or Political subdivision of a State.

(c) In addition to the exceptions set forth in subsection (b) of this section, this chapter shall not apply to goods, wares, or merchandise manufactured, produced, or mined by convicts or prisoners who—

(1) are participating in—one of not more than 50 non-Federal prison work pilot projects designated by the Director of the Bureau of Justice Assistance; and

(2) have, in connection with such work, received wages at a rate which is not less than that paid for work of a similar nature in the locality in which the work was performed, except that such wages may be subject to deductions which shall not, in the aggregate, exceed 80 per centum of gross wages, and shall be limited as follows:

(A) taxes (Federal, State, local);

term of years

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any term of
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79 Stat. 580, and
3, 1982, 96 Stat.

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Complete Annotation Materials, see

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ning on or after Jan. 1, 1990, to \$115,000 and, effective on the first day of the first applicable pay period beginning on or after Jan. 31, 1990, to \$124,000, was superseded by Ex.Ord. No. 12736, Dec. 12, 1990, 55 F.R. 51385, set out as a note under section 5332 of Title 5.

1989—Ex.Ord. No. 12663, Jan. 6, 1989, 54 F.R. 791, formerly set out as a note under section 5332 of Title 5, Government Organization and Employees, which adjusted the annual rate of pay for the Vice President, effective on the first day of the first applicable pay period beginning on or after Jan. 1, 1989, to \$115,000, was superseded by Ex.Ord. No. 12698, Dec. 23, 1989, 54 F.R. 53473, set out as a note under section 5332 of Title 5.

1987—Ex.Ord. No. 12622, Dec. 31, 1987, 53 F.R. 222, formerly set out as a note under section 5332 of Title 5, Government Organization and Employees, which adjusted the annual rate of pay for the Vice President effective on the first day of the first applicable pay period beginning on or after Jan. 1, 1988, was superseded by Ex.Ord. No. 12663, Jan. 6, 1989, 54 F.R. 791, set out as a note under section 5332 of Title 5.

1986—Ex.Ord. No. 12578, Dec. 31, 1986, 52 F.R. 505, formerly set out as a note under section 5332 of Title 5, Government Organization and Employees, which adjusted the annual rate of pay for the Vice President, effective on the first day of the first applicable pay period beginning on or after Jan. 1, 1987, was superseded by Ex.Ord. No. 12622, Dec. 31, 1987, 53 F.R. 222, set out as a note under section 5332 of Title 5.

1985—Ex.Ord. No. 12496, Dec. 28, 1984, 50 F.R. 211, as amended Ex.Ord. No. 12540, Dec. 30, 1985, 51 F.R. 577, which provided for adjustment of pay rates effective Jan. 1, 1985, and which provided for a further adjustment of military pay rates and allowances effective Oct. 1, 1985, was superseded by Ex.Ord. No. 12578, Dec. 31, 1986, 52 F.R. 505, set out as a note under section 5332 of Title 5.

1984—Ex.Ord. No. 12456, Dec. 30, 1983, 49 F.R. 347, as amended Ex.Ord. No. 12477, May 23, 1984, 49 F.R. 22041; Ex.Ord. No. 12487, Sept. 14, 1984, 49 F.R. 36493, which provided for the adjustment of pay rates effective Jan. 1, 1984, was superseded by Ex.Ord. No. 12496, Dec. 28, 1984, 50 F.R. 211, as amended by Ex.Ord. No. 12540, Dec. 30, 1985, 51 F.R. 577, set out as a note under section 5332 of Title 5.

1982—Ex.Ord. No. 12387, Oct. 8, 1982, 47 F.R. 44981, which provided for the adjustment of pay rates effective Oct. 1, 1982, was superseded by Ex.Ord. No. 12456, Dec. 30, 1983, 49 F.R. 347, as amended Ex.Ord. No. 12477, May 23, 1984, 49 F.R. 22041; Ex.Ord. No. 12487, Sept. 14, 1983, 49 F.R. 36493, formerly set out as a note under section 5332 of Title 5.

Legislative History

For legislative history and purpose of Pub.L. 101-194, see 1989 U.S. Code Cong. and Adm. News, p. 1225.

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§ 110. Furniture for the Executive Residence at the White House

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 11145

CURATOR OF WHITE HOUSE; COMMITTEE FOR PRESERVATION OF WHITE HOUSE

[The functions of the President under the Federal Advisory Committee Act, set out as Appendix 2 to Title 5, Government Organization and Employees, that are applicable to the Committee for the Preservation of the White House except that of reporting annually to the Congress, shall be performed by the Secretary of the Interior in accordance with guidelines and procedures established by the Administrator of General Services; see Ex.Ord. No. 12534 set out as a note under section 14 of Appendix 2 to Title 5. For similar delegation of functions, see Ex.Ord. No. 12489, Sept. 28, 1984, 49 F.R. 38927, formerly set out as a note under section 14 of Appendix 2 to Title 5.]

Extension of Term of Committee for the Preservation of the White House

Term of the Committee for the Preservation of the White House extended until Sept. 30, 1987, see Ex.Ord. No. 12534, Sept. 30, 1985, 50 F.R. 40319, formerly set out as a note under section 14 of the Federal Advisory Committee Act in Appendix 2 to Title 5, Government Organization and Employees.

Term of the Committee for the Preservation of the White House extended until Sept. 30,

1989, see Ex.Ord. No. 12610, Sept. 30, 1987, 52 F.R. 36901, formerly set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix 2 to Title 5, Government Organization and Employees.

Term of the Committee for the Preservation of the White House extended until Sept. 30, 1991, see Ex.Ord. No. 12692, Sept. 29, 1989, 54 F.R. 40627, set out as a note under section 14 of the Federal Advisory Committee Act in Appendix 2 to Title 5, Government Organization and Employees.

Term of the Committee for the Preservation of the White House extended until Sept. 30, 1993, by Ex.Ord. No. 12774, Sept. 30, 1991, 56 F.R. 49835, formerly set out as a note under section 14 of the Federal Advisory Committee Act in Appendix 2 to Title 5, Government Organization and Employees.

Term of the Committee for the Preservation of the White House extended until Sept. 30, 1995, see Ex.Ord. No. 12869, Sept. 30, 1993, 58 F.R. 51751, set out as a note under section 14 of the Federal Advisory Committee Act in Appendix 2 to Title 5, Government Organization and Employees.

CHAPTER 3—PROTECTION OF THE PRESIDENT; UNITED STATES SECRET SERVICE UNIFORMED DIVISION

§ 202. United States Secret Service Uniformed Division; establishment, control, and supervision; privileges, powers, and duties

There is hereby created and established a permanent police force, to be known as the "United States Secret Service Uniformed Division". Subject to the supervision of the Secretary of the Treasury, the United States Secret Service Uniformed Division shall perform such duties as the Director, United States Secret Service, may prescribe in connection with the protection of the following: (1) the White House in the District of Columbia; (2) any building in which Presidential offices are located; (3) the Treasury Building and grounds; (4) the President and members of his immediate family; (5) foreign diplomatic missions located in the metropolitan area of the District of Columbia; (6) the temporary official residence of the Vice President and grounds in the District of Columbia; (7) the Vice President and members of his immediate family; (8) foreign diplomatic missions located in metropolitan areas (other than the District of Columbia) in the United States where there are located twenty or more such missions headed by full-time officers, except that such protection shall be provided only (A) on the basis of extraordinary protective need, (B) upon request of the affected metropolitan area, and (C) when the extraordinary protective need arises at or in association with a visit to (i) a permanent mission to, or an observer mission invited to participate in the work of, an international organization of which the United States is a member; or (ii) an international organization of which the United States is a member, except that such protection may also be provided for motorcades and at other places associated with any such visit and may be extended at places of temporary domicile in connection with any such visit;

(9)¹ foreign consular and diplomatic missions located in such areas in the United States, its territories and possessions, as the President, on a case-by-case basis, may direct; and

(10)¹ visits of foreign government officials to metropolitan areas (other than the District of Columbia) where there are located 20 or more consular or diplomatic missions staffed by accredited personnel, including protection for motorcades and at other places

associated with such visits, when such officials are in the United States to conduct official business with the United States Government.

The members of such force shall possess privileges and powers similar to those of the members of the Metropolitan Police of the District of Columbia.

(As amended Oct. 18, 1986, Pub.L. 99-500, Title I, § 101(m), [Title VI, § 622], 100 Stat. 1783-333; Oct. 30, 1986, Pub.L. 99-591, Title I, § 101(m), [Title VI, § 622], 100 Stat. 3341-333; Oct. 28, 1991, Pub.L. 102-138, Title I, § 135(b)(1)-(3), 105 Stat. 666, 667; Oct. 24, 1992, Pub.L. 102-499, § 3(a), 106 Stat. 3264.)

¹ So in original.

HISTORICAL AND STATUTORY NOTES

1992 Amendments

Cl. (10). Pub.L. 102-499, § 3(a), substituted "when such officials are in the United States to conduct official business with the United States Government" for "pursuant to invitations of the United States Government".

1991 Amendment

Cl. (8)(C). Pub.L. 102-138, § 135(b)(1), substituted "at or in association with a visit to (i) a permanent mission to, or an observer mission invited to participate in the work of, an international organization of which the United States is a member; or (ii) an international organization of which the United States is a member, except that such protection may also" for "in association with a visit to or occurs at a permanent mission to an international organization of which the United States is a member or an observer mission invited to participate in the work of such organization, provided that such protection may" and "any such visit" for "such a visit" and "any such visit;" for "such a visit; and".

Cl. (9). Pub.L. 102-138, § 135(b)(2), inserted "consular and" after "foreign" and substituted "direct; and" for "direct".

Cl. (10). Pub.L. 102-138, § 135(b)(3), added par. (10).

1986 Amendment

Pub.L. 99-500 added cl. (3), redesignated former cls. (3) to (8) as (4) to (9), respectively, and in cl. (7) as so redesignated, substituted "immediate" for "immediately".

Pub.L. 99-591 made an amendment identical to Pub.L. 99-500.

Effective Date of 1992 Amendments

Section 3(b) of Pub.L. 102-499 provided that: "The amendment made by subsection (a)

[amending this section] shall be deemed to have become effective as of October 1, 1991."

Effective Date of 1991 Amendment

Section 135(b)(4) of Pub.L. 102-138 provided that:

"(A) Except as provided in subparagraph (B), the amendments made by this subsection [amending this section] shall take effect October 1, 1991.

"(B) The amendments made by paragraph (1) [amending cl. (8)(C) of this section] shall be deemed to have become effective as of January 1, 1989."

Reimbursement to State and Local Government For Protective Services For Foreign Missions

Section 135(b)(5) of Pub.L. 102-138 provided that: "Protective services provided by a State or local government at any time during the period beginning on January 1, 1989, and ending on September 30, 1991, which were performed in connection with visits described in section 202(8) of title 3, United States Code, as amended by this subsection [cl. (8) of this section] shall be deemed to be reimbursement obligations entered into pursuant to section 208(a) of that title [section 208(a) of this title] as if the amendment made by paragraph (1) of this subsection [amending cl. (8)(C) of this section] was in effect during that period and the services had been requested by the Secretary of State."

Legislative History

For legislative history and purpose of Pub.L. 99-591, see 1986 U.S. Code Cong. and Adm. News, p. 5627. See, also, Pub.L. 102-238, 1991 U.S. Code Cong. and Adm. News, p. 384.

§ 208. Reimbursement of State and local governments

(a) In carrying out the functions pursuant to sections 202(8) and 202(10), the Secretary of Treasury may utilize, with their consent, on a reimbursable basis, the services, personnel, equipment, and facilities of State and local governments, and is authorized to reimburse such State and local governments for the utilization of such services, personnel, equipment, and facilities. The Secretary of Treasury may carry out the functions pursuant to sections 202(8) and 202(10) by contract. The authority of this subsection may be transferred by the President to the Secretary of State. In carrying out any duty under sections 202(8) and 202(10), the Secretary of State is authorized to utilize any authority available to the Secretary under title II of the State Department Basic Authorities Act of 1956.

(b) There is authorized to be appropriated, in addition to such sums as have been heretofore appropriated under this section—

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(1) \$10,000,000 for each payment of reimbursement regard to the fiscal year entered into before such

(2) \$8,000,000 for the subsection (a) before Oct amount shall be obligated

Amounts appropriated under

(As amended Pub.L. 99-93, Title § 410, Aug. 27, 1986, 100 Stat. 86 Stat. 666.)

HISTO.

References in Text

Title II of the State Department authorities Act of 1956, referred to in is Act Aug. 1, 1956, c. 841, Title Aug. 24, 1982, Pub. L. 97-241, Title 96 Stat. 283, known as the Foreign I which is classified principally to cha 4301 et seq.) of Title 22, Foreign I Intercourse. For complete classification Act to the Code, see Short Title under section 4301 of Title 22 and

1991 Amendment

Subsec. (a). Pub.L. 102-138, § 1 tuted "sections 202(8) and 202(10)" 202(7)" wherever appearing.

Subsec. (b)(1). Pub.L. 102-138 substituted "\$10,000,000" for "1991" for "1982", and "without r fiscal year such obligations were including obligations entered into date" for "after such date".

Subsec. (b)(2). Pub.L. 102-138 substituted "\$8,000,000" for "\$17 "1991, except that not more than this amount shall be obligated or c ing fiscal year 1992" for "1982".

CHAPTER 4

§ 301. General authorization

HISTY

Standards of Ethical Conduct
hensive System of Financial
Officers and Employees in t
Branch

For provisions relating to stand
conduct for government officers

(b) For the purposes of this section, the term "sexually oriented advertisement" shall have the same meaning as given it in section 3010(d) of title 39. (Added Pub.L. 91-375, § 6(j)(37)(A), Aug. 12, 1970, 84 Stat. 781.)

§ 1736. Restrictive use of information

(a) No information or evidence obtained by reason of compliance by a natural person with any provision of section 3010 of title 39, or regulations issued thereunder, shall, except as provided in subsection (c) of this section, be used, directly or indirectly, as evidence against that person in a criminal proceeding.

(b) The fact of the performance of any act by an individual in compliance with any provision of section 3010 of title 39, or regulations issued thereunder, shall not be deemed the admission of any fact, or otherwise be used, directly or indirectly, as evidence against that person in a criminal proceeding, except as provided in subsection (c) of this section.

(c) Subsections (a) and (b) of this section shall not preclude the use of any such information or evidence in a prosecution or other action under any applicable provision of law with respect to the furnishing of false information.

(Added Pub.L. 91-375, § 6(j)(37)(A), Aug. 12, 1970, 84 Stat. 781.)

§ 1737. Manufacturer of sexually related mail matter

(a) Whoever shall print, reproduce, or manufacture any sexually related mail matter, intending or knowing that such matter will be deposited for mailing or delivery by mail in violation of section 3008 or 3010 of title 39, or in violation of any regulation of the Postal Service issued under such section, shall be fined not more than \$5,000 or imprisoned not more than five years, or both, for the first offense, and shall be fined not more than \$10,000 or imprisoned not more than ten years, or both, for any second or subsequent offense.

(b) As used in this section, the term "sexually related mail matter" means any matter which is within the scope of section 3008(a) or 3010(d) of title 39.

(Added Pub.L. 91-375, § 6(j)(37)(A), Aug. 12, 1970, 84 Stat. 781.)

§ 1738. Mailing private identification documents without a disclaimer

(a) Whoever, being in the business of furnishing identification documents for valuable consideration, and in the furtherance of that business, uses the mails for the mailing, carriage in the mails, or delivery of, or causes to be transported in interstate or foreign commerce, any identification document—

(1) which bears a birth date or age purported to be that of the person named in such identification document; and

(2) knowing that such document fails to carry diagonally printed clearly and indelibly on both the front and back "NOT A GOVERNMENT DOCUMENT" in capital letters in not less than twelve point type;

shall be fined not more than \$1,000, imprisoned not more than one year, or both.

(b) For purposes of this section the term "identification document" means a document which is of a type intended or commonly accepted for the purpose of identification of individuals and which is not issued by or under the authority of a government.

(Added Pub.L. 97-398, § 4(a), Dec. 31, 1982, 96 Stat. 2011.)

CHAPTER 84—PRESIDENTIAL AND PRESIDENTIAL STAFF ASSASSINATION, KIDNAPING, AND ASSAULT

Sec.

1751. Presidential and Presidential staff assassination, kidnapping, and assault; penalties.

1752. Temporary residences and offices of the President and others.

EDITORIAL NOTES

Savings Provisions of Pub.L. 98-473, Title II, c. II. See section 235 of Pub.L. 98-473, Title II, c. II, Oct. 12, 1984, 98 Stat. 2031, as amended, set out as a note under section 3551 of this title.

§ 1751. Presidential and Presidential staff assassination, kidnapping, and assault; penalties

(a) Whoever kills (1) any individual who is the President of the United States, the President-elect, the Vice President, or, if there is no Vice President, the officer next in the order of succession to the Office of the President of the United States, the Vice President-elect, or any person who is acting as President under the Constitution and laws of the United States, or (2) any person appointed under section 105(a)(2)(A) of title 3 employed in the Executive Office of the President or appointed under section 106(a)(1)(A) of title 3 employed in the Office of the Vice President, shall be punished as provided by sections 1111 and 1112 of this title.

(b) Whoever kidnaps any individual designated in subsection (a) of this section shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if death results to such individual.

(c) Whoever attempts to kill or kidnap any individual designated in subsection (a) of this section shall

be punished by imprisonment for any term of years or for life.

(d) If two or more persons conspire to kill or kidnap any individual designated in subsection (a) of this section and one or more of such persons do any act to effect the object of the conspiracy, each shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if death results to such individual.

(e) Whoever assaults any person designated in subsection (a)(1) shall be fined not more than \$10,000, or imprisoned not more than ten years, or both. Whoever assaults any person designated in subsection (a)(2) shall be fined not more than \$5,000, or imprisoned not more than one year, or both; and if personal injury results, shall be fined not more than \$10,000, or imprisoned not more than ten years, or both.

(f) The terms "President-elect" and "Vice-President-elect" as used in this section shall mean such persons as are the apparent successful candidates for the offices of President and Vice President, respectively, as ascertained from the results of the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2.

(g) The Attorney General of the United States, in his discretion, is authorized to pay an amount not to exceed \$100,000 for information and services concerning a violation of subsection (a)(1). Any officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall not be eligible for payment under this subsection.

(h) If Federal investigative or prosecutive jurisdiction is asserted for a violation of this section, such assertion shall suspend the exercise of jurisdiction by a State or local authority, under any applicable State or local law, until Federal action is terminated.

(i) Violations of this section shall be investigated by the Federal Bureau of Investigation. Assistance may be requested from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.

(j) In a prosecution for an offense under this section the Government need not prove that the defendant knew that the victim of the offense was an official protected by this section.

(k) There is extraterritorial jurisdiction over the conduct prohibited by this section.

(Added Pub.L. 89-141, § 1, Aug. 28, 1965, 79 Stat. 580, and amended Pub.L. 97-285, §§ 3, 4(a), Oct. 6, 1982, 96 Stat. 1220.)

§ 1752. Temporary residences and offices of the President and others

(a) It shall be unlawful for any person or group of persons—

(1) willfully and knowingly to enter or remain in

(i) any building or grounds designated by the Secretary of the Treasury as temporary residences of the President or other person protected by the Secret Service or as temporary offices of the President and his staff or of any other person protected by the Secret Service, or

(ii) any posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service is or will be temporarily visiting, in violation of the regulations governing ingress or egress thereto;

(2) with intent to impede or disrupt the orderly conduct of Government business or official functions, to engage in disorderly or disruptive conduct in, or within such proximity to, any building or grounds designated in paragraph (1) when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions;

(3) willfully and knowingly to obstruct or impede ingress or egress to or from any building, grounds, or area designated or enumerated in paragraph (1); or

(4) willfully and knowingly to engage in any act of physical violence against any person or property in any building, grounds, or area designated or enumerated in paragraph (1).

(b) Violation of this section, and attempts or conspiracies to commit such violations, shall be punishable by a fine not exceeding \$500 or imprisonment not exceeding six months, or both.

(c) Violation of this section, and attempts or conspiracies to commit such violations, shall be prosecuted by the United States attorney in the Federal district court having jurisdiction of the place where the offense occurred.

(d) The Secretary of the Treasury is authorized—

(1) to designate by regulations the buildings and grounds which constitute the temporary residences of the President or other person protected by the Secret Service and the temporary offices of the President and his staff or of any other person protected by the Secret Service, and

(2) to prescribe regulations governing ingress or egress to such buildings and grounds and to posted, cordoned off, or otherwise restricted areas where the President or other person protected by the Secret Service is or will be temporarily visiting.

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12 IN THE UNITED STATES DISTRICT COURT FOR THE
13 NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

14 FRANCIS O'REILLY, et al.)
15 Plaintiffs,)
16 v.)
17 RONALD REAGAN, et. al.,)
18 Defendants.)
19

No. C 84 20624 WAI

DECLARATION OF SPECIAL AGENT
THOMAS D. QUINN IN SUPPORT OF
SECRET SERVICE'S OPPOSITION TO
PLAINTIFFS' MOTION TO EXPEDITE
DISCOVERY

20 THOMAS D. QUINN declares and states as follows:

21 1. I am a Special Agent with the United States Secret
22 Service and presently the Acting Deputy Assistant Director for
23 Protective Operations, Uniform Division. I submit this
24 declaration in support of the Secret Service's opposition to
25 plaintiffs' oral motion to take expedited discovery.
26

2/27/84

1 2. I have been a Special Agent of the Secret Service since
2 1969, and have held my current position of Acting Deputy
3 Assistant Director since August, 1984. In my capacity as a
4 Special Agent, I have been assigned to numerous protective
5 details to protect and assure the safety of protectees making
6 public appearances during the course of campaigning for elective
7 office as candidates of both the Democratic and Republican
8 parties. Most recently, I supervised all protective security
9 for the President of the United States during his campaign trip
10 to Western Ohio on October 12, 1984, which included both a
11 public appearance at Courthouse Square in Dayton and a whistle
12 stop train tour north to Toledo. I am familiar with the policy
13 and practices of the Secret Service at public, outdoor campaign
14 rallies and, in particular, I am knowledgeable of the policy and
15 practices relating to the admission of signs and the use of
16 buffer zones of invited guests as a security device.

17 3. With one exception, the Secret Service does not refuse
18 admittance to signs at campaign rallies based on their
19 content. The exception pertains to signs containing messages
20 which threaten the life of our protectees in violation of 18
21 U.S.C. §§871 and 879. On rare occasions, the Secret Service
22 will, in the discretion of its Special Agents and Uniformed
23 Division Officers, refuse admittance to signs that could be used
24 in a threatening or injurious manner towards the protectee. By
25 way of non-limiting example, such signs could include those made
26 of wood or metal in the shape of a disc that could be thrown in

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10/16/84

1 a spinning fashion towards the protectee, or signs made from
2 large pieces of plywood that could be used to ram passages
3 through crowds precipitating disturbances and panic.

4 4. More frequently, the Secret Service will reject sticks,
5 poles, or other supporting items that could be used in a
6 threatening or injurious way. Upon removal of the supporting
7 items, the signs will be admitted if they do not fall into one
8 of the two categories mentioned above. Not all sticks are
9 necessarily rejected. In the discretion of the Secret Service
10 Special Agent or Uniformed Division Officer manning entrance
11 points, small sticks attached to flags, for example, may be
12 admitted. It is not possible, however, to establish maximum
13 measurements of sticks, poles or other supporting items that
14 would be admitted. Each decision to admit or reject such
15 materials is a discretionary decision based on the judgment and
16 experience of the Secret Service personnel responsible for
17 entrance point security. The decision, however, is not based on
18 the content of the sign or other item attached to the stick,
19 pole, or supporting device.

20 5. The sign policy set forth in paragraphs 3 and 4 above is
21 designed to enhance the security of the protectee by reducing
22 the potential for an incident that could injure the protectee.
23 The incident could be in the nature of a direct attack on the
24 protectee or the creation of a disturbance in the general
25 audience that may distract the Secret Service from other areas
26 of security observation. Security protection involves

202, 10/11/54

1 considerations of possibilities not certainties. Each public
2 venue at which a protectee appears is unique from a security
3 standpoint. It is therefore not possible to quantify with
4 precision a security threat correlation between admitting one
5 sign with a three foot pole versus admitting 20 or 100 such
6 signs. Ultimately, the experience and judgemental discretion of
7 those Secret Service personnel responsible for security at a
8 particular event must govern the composition of articles that
9 are permitted inside a secured area.

10 6. A separate measure to enhance security for the protectee
11 is the use of a buffer zone of invited guests which is placed
12 between the area to be occupied by the protectee and the general
13 audience. The depth of this zone will vary depending on the
14 location of the event. In the case of the Dayton, Ohio rally
15 for the President in Market Square, this area was approximately
16 fifteen feet deep. Because access to the area is limited to
17 persons invited by the protectee, the Secret Service draws the
18 inference that the potential for a security threatening incident
19 will be lower than for the general audience located behind this
20 buffer zone. The zone provides an additional measure of
21 security in the event of a disturbance in the general audience
22 area by acting to absorb the impact of a person or persons
23 surging or pushing forward towards the protectee.

1 7. The foregoing statements constitute matters to which I
2 testified at an evidentiary hearing on plaintiffs' motion for a
3 temporary restraining order on October 11, 1984 in the case of
4 Lacy v. Reagan-Bush '84 filed in the United States District
5 Court at Dayton, Ohio.

6 I declare under penalty of perjury that the foregoing
7 statements are true and correct.

8
9 Executed this 16th day of October, 1984

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12 THOMAS D. QUINN
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3RD CASE of Level 1 printed in FULL format.

Kay Bishop; Shirley Rosser; Mary Luken; Lois Gish; Maria Pesante; Phillip W. Amadon; Susan E. Binder; Jonathan Messinger; Ruth Rucker; Andrew Rucker; Benjamin Rucker, Plaintiffs-Appellants, v. Reagan-Bush '84 Committee; Mark Hatfield, Jr.; James Kuhn; William Brennan; Michael Murphy; John Does 1-20; Lawrence Whalen; Richard Roe 1-20 Police Officers; Hamilton County Reagan-Bush '84; John Collins; Anthony Reissig; John Doe 1-20 Republican Party Volunteers, Defendants-Appellees

Bishop v. Reagan-Bush '84 Comm.

No. 86-3287

n* NOT RECOMMENDED FOR FULL-TEXT PUBLICATION SIXTH CIRCUIT
RULE 24 LIMITS CITATION TO SPECIFIC SITUATIONS. PLEASE SEE
RULE 24 BEFORE CITING IN A PROCEEDING IN A COURT IN THE
SIXTH CIRCUIT. IF CITED, A COPY MUST BE SERVED ON OTHER
PARTIES AND THE COURT. THIS NOTICE IS TO BE PROMINENTLY
DISPLAYED IF THIS DECISION IS REPRODUCED.

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

819 F.2d 289; 1987 U.S. App. LEXIS 6669

May 22, 1987, Filed

PRIOR HISTORY: [*1]

On Appeal from the United States District Court for the Southern District of Ohio.

OPINION: BEFORE: ENGEL and GUY, Circuit Judges; and PECK, Senior Circuit Judge.

PER CURIAM.

This appeal arises out of an incident which occurred at a political rally for President Reagan held in Cincinnati, Ohio, on August 20, 1984. The district court granted summary judgment to all the named defendants on the ground that the exclusion of all signs and banners critical to the President or his policies from a rally held pursuant to a validly-issued permit was not violative of plaintiffs' first amendment rights. Because we conclude that the analysis used by the district court was improper and the grant of summary judgment premature, we reverse and remand for further proceedings consistent with this opinion.

I.

On August 16, 1984, the Reagan-Bush '84 Committee secured a permit for the use of Fountain Square, an outdoor public meeting place in downtown Cincinnati, for the purpose of conducting a presidential rally. The permit was issued pursuant to Chapter 713 of the Cincinnati Municipal Code, which specifically provides that "[t]he use of Fountain Square shall be preserved primarily for the peaceful and orderly [*2] enjoyment of the square . . . by the general public." | 713-1. However, the City does allow, pursuant to permit, special

group uses of the Square which may entail "unreasonable interference or obstruction with the rights of the public to peaceably use and enjoy Fountain Square," | 713-1.(c), for "reasonable" periods of time, subject to certain enumerated safety and traffic concerns. | 713-1.(c)(1)-(3). President Reagan was to be the featured speaker at this pre-election rally, to which public attendance was encouraged.

On the day of the rally, security personnel, apparently consisting of certain Secret Service agents, various members of the Cincinnati police force, as well as various members of both the national and local Reagan-Bush '84 Committees, set up checkpoints through which all persons wishing to attend were required to pass. These checkpoints consisted of specific gates at which metal detectors were located, maintained to ensure the safety of the President who was, at that time, running for re-election. It is alleged by plaintiffs that before being allowed past these checkpoints, all persons carrying signs, whether in favor of or against the President, were required to abandon [*3] those signs as a condition of entering the rally. Some plaintiffs carried signs expressing opposition to President Reagan's candidacy; others brought signs expressing opposition to various political and social policies identified with the Reagan administration; and others brought signs which addressed public issues not specifically identified with the Reagan administration. When plaintiffs attempted to enter the Square, they were required to surrender their signs as a condition of entry. However, immediately past the checkpoint entrances, individuals who entered the Square were offered miniature American flags attached to sticks and cardboard signs promoting the Reagan-Bush ticket. Plaintiffs allege that no one was permitted to display any sign critical of the President or his ticket.

Eleven days after this event, plaintiffs filed this suit requesting injunctive relief and damages for alleged constitutional violations directly under the first and fourth amendments by the Secret Service defendants (a Bivens action); n1 conspiracy to deny plaintiffs their first and fourth amendment rights in violation of 42 U.S.C. | 1985 by all defendants; and violation of their first, fourth, and [*4] fourteenth amendment rights under color of state law in violation of 42 U.S.C. | 1983 by the individual Cincinnati Police Department defendants and by the Reagan-Bush '84 Committee acting in concert with the local police. Due to the passage of time, the request for injunctive relief has been mooted and only the claims for damages remain.

n1 See *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

Pursuant to certain agreements between the parties on the requested injunctive relief and motions to dismiss by the various defendants based on failure to state a claim or asserting the defense of qualified immunity, the trial judge issued a blanket protective order prohibiting the plaintiffs from engaging in discovery until those motions were ruled on. All defendants (the Secret Service agents, members of the Cincinnati police force, and members of the national and Hamilton County Reagan-Bush '84 Committees) filed motions to dismiss plaintiffs claims; in addition, Secret Service agent Michael Murphy filed an "alternate" motion for summary judgment, to which he attached an affidavit declaring that at no time on the date in question did he supervise [*5] the admittance of persons into Fountain Square. Plaintiffs allege that, while this protective order was still in effect, thereby precluding them from conducting any discovery whatsoever, the trial judge entered an order purporting

to grant all the defendants' motions for summary judgment and dismissing plaintiffs' claims.

The judge's ruling was predicated upon a detailed analysis of the physical characteristics of Fountain Square. He pointed out that entrance to the Square was "limited" by certain boundaries; e.g., commercial buildings along two sides and a sloping terrain along the other two sides which is blocked in places by bushes, trees, and a low wall. Bishop v. Reagan-Bush '84 Committee, 635 F. Supp. 1020, 1021-22 (S.D. Ohio 1986). He also observed that "[o]nly the entrance from Sixth Street is at ground level, two others contain an inclined ramp and the remaining four have steps." Id. He concluded that "[f]or purposes of crowd control, the limited access to and exit from the plaza area of Fountain Square Plaza would more resemble a hall for performers than it would an open field or area." Id. at 1022. Based on this conclusion, the judge found that issuance of the [*6] permit conferred on the defendants the right to exclusive use of the Square with the concomitant right to place whatever conditions they desired on the rights of those attending their "private" function.

II.

At the outset, we reject an analysis of this question which turns solely on the physical characteristics of Fountain Square. Such analysis gives no consideration to the possibility that the nature of certain public forums cannot be altered, either by governmental fiat or private will. Even if Fountain Square is not such a forum, the record is inadequate at this stage of the proceedings as to the City's intent in issuing the permit for this political rally.

Analysis of the first amendment questions involved in this case must proceed according to the most recent pronouncements from the Supreme Court in *Cornelius v. NAACP Legal Defense & Education Fund*, 473 U.S. 788 (1985). See also *Perry Education Assn. v. Perry Local Educators' Assn.*, 460 U.S. 37 (1983). n2 First, the "relevant forum" must be ascertained. *Cornelius*, 105 S. Ct. at 3448. Having defined the relevant forum, the court must then determine its nature, since the extent to which access may be limited [*7] depends on whether the forum is public or nonpublic. Id. at 3446-47. Finally, the proffered justifications for the exclusion from the relevant forum must be assessed to determine whether they satisfy the requisite standard. Id. at 3447.

n2 While *Cornelius* and *Perry* set forth the appropriate analytical framework, they are otherwise of very limited usefulness since neither deals with the permissible limits on free speech in a traditional public forum.

The Court has identified three types of fora: traditional, limited, and nonpublic. If the property is determined to be a traditional public forum, "the government's ability to permissibly restrict expressive conduct is very limited; the government may enforce reasonable time, place, and manner regulations as long as the restrictions 'are content-neutral, are narrowly tailored to serve a significant government interest, and leave open ample alternative channels of communication.'" *United States v. Grace*, 461 U.S. 171 (1983), quoting *Perry Education Assn.*, 460 U.S. at 45. See also, *Jews for Jesus, Inc. v. Board of Airport Commissioners*, 785 F.2d 791 (9th Cir. 1986), cert. granted, 107 S. Ct. 61 (1986). [*8]

A limited public forum will be found when government property not normally open to the general public is opened temporarily or for a special purpose. See

Perry Education Assn., 460 U.S. at 45-46 and n.7. In such a forum, there exists a need to confine expressive activity to that which is compatible with the intended use(s) of the property. However, "[a]lthough a State is not required to indefinitely retain the open character of the facility, as long as it does so it is bound by the same standards as apply in a traditional public forum." Id. at 46.

If, however, the forum is found to be nonpublic, "[t]he Government's decision to restrict access . . . need only be reasonable; it need not be the most reasonable or the only reasonable limitation." *Cornelius*, 105 S. Ct. at 3453 (emphasis in original). But "[t]he existence of reasonable grounds for limiting access to a nonpublic forum . . . will not save a regulation that is in reality a facade for viewpoint-based discrimination." Id. at 3454.

On remand, the City's intent with respect to any transformation of Fountain Square by virtue of the issuance of the permit must be determined. If it was not the City's intent to [*9] convert the Square into a private forum, the court must address other issues, such as the existence or lack of state action and qualified immunity, raised by the defendants. If the court finds that it was the City's intent to confer exclusive use of the forum to Reagan-Bush '84, it must resolve the question of whether they had the power to do so. n3

n3 Compare *Community for Creative Non-Violence v. Hodel*, 623 F. Supp. 528 (D.C.D.C. 1985), where the court applied a restrictive view of the "relevant forum" which allowed it to conclude that an otherwise public forum had been converted, partially by virtue of a permit, into a nonpublic forum, with *Irish Subcommittee v. Rhode Island Heritage Commission*, 646 F. Supp. 347 and 353 n.3 (D.R.I. 1986), in which the court disapproved of the District of Columbia court's analysis, stating: "I cannot accept [the court's] premise which treated the Christmas Pageant as though it was to be held on nonpublic forum property and then examined the access which had been granted. To allow the government to limit traditional public forum property and thereby create within it a nonpublic forum would destroy the entire concept of a public forum." Id. [*10]

Nothing in this opinion should be taken to preclude the subsequent grant of either partial or complete summary judgment for any party after full development of the facts and the analysis we have outlined.

REVERSED and REMANDED.

of Treasury under this chapter to Federal Inspector, Office of Federal Inspector for the Alaska Natural Gas Transportation System, see sections 102(g) and 203(a) of Reorg. Plan No. 1 of 1979, set out under section 719e of Title 15, U.S.C.A., Commerce and Trade.

§ 847. Rules and regulations

The administration of this chapter shall be vested in the Secretary. The Secretary may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter. The Secretary shall give reasonable public notice, and afford to interested parties opportunity for hearing, prior to prescribing such rules and regulations.

(Added Pub.L. 91-452, Title XI, § 1102(a), Oct. 15, 1970, 84 Stat. 959.)

EDITORIAL NOTES

Transfer of Functions. For transfer of certain enforcement functions of Secretary or other official in Department of Treasury under this chapter to Federal Inspector, Office of Federal Inspector for the Alaska Natural Gas Transportation System, see sections 102(g) and 203(a) of Reorg. Plan No. 1 of 1979, set out under section 719e of Title 15, U.S.C.A., Commerce and Trade.

§ 848. Effect on State law

No provision of this chapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together.

(Added Pub.L. 91-452, Title XI, § 1102(a), Oct. 15, 1970, 84 Stat. 959.)

CHAPTER 41—EXTORTION AND THREATS

Sec.

- 871. Threats against President and successors to the Presidency.
- 872. Extortion by officers or employees of the United States.
- 873. Blackmail.
- 874. Kickbacks from public works employees.
- 875. Interstate communications.
- 876. Mailing threatening communications.
- 877. Mailing threatening communications from foreign country.
- 878. Threats and extortion against foreign officials, official guests, or internationally protected persons.
- 879. Threats against former Presidents and certain other persons protected by the Secret Service.

EDITORIAL NOTES

Savings Provisions of Pub.L. 98-473, Title II, c. II. See section 235 of Pub.L. 98-473, Title II, c. II, Oct. 12, 1984, 98

Stat. 2031, as amended, set out as a note under section 3551 of this title.

§ 871. Threats against President and successors to the Presidency

(a) Whoever knowingly and willfully deposits for conveyance in the mail or for a delivery from any post office or by any letter carrier any letter, paper, writing, print, missive, or document containing any threat to take the life of, to kidnap, or to inflict bodily harm upon the President of the United States, the President-elect, the Vice President or other officer next in the order of succession to the office of President of the United States, or the Vice President-elect, or knowingly and willfully otherwise makes any such threat against the President, President-elect, Vice President or other officer next in the order of succession to the office of President, or Vice President-elect, shall be fined not more than \$1,000 or imprisoned not more than five years, or both.

(b) The terms "President-elect" and "Vice President-elect" as used in this section shall mean such persons as are the apparent successful candidates for the offices of President and Vice President, respectively, as ascertained from the results of the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2. The phrase "other officer next in the order of succession to the office of President" as used in this section shall mean the person next in the order of succession to act as President in accordance with title 3, United States Code, sections 19 and 20.

(As amended June 1, 1955, c. 115, § 1, 69 Stat. 80; Oct. 15, 1962, Pub.L. 87-829, § 1, 76 Stat. 956; Oct. 12, 1982, Pub.L. 97-297, § 2, 96 Stat. 1318.)

REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 89 (Feb. 14, 1917, ch. 64, 39 Stat. 919).

Reference to persons causing or procuring was omitted as unnecessary in view of definition of "principal" in section 2 of this title.

Minor changes were made in phraseology.

§ 872. Extortion by officers or employees of the United States

Whoever, being an officer, or employee of the United States or any department or agency thereof, or representing himself to be or assuming to act as such, under color or pretense of office or employment commits or attempts an act of extortion, shall be fined not more than \$5,000 or imprisoned not more than three years, or both; but if the amount so extorted or demanded does not exceed \$100, he shall

§ 879. Threats against former Presidents and certain other persons protected by the Secret Service

(a) Whoever knowingly and willfully threatens to kill, kidnap, or inflict bodily harm upon—

(1) a former President or a member of the immediate family of a former President;

(2) a member of the immediate family of the President, the President-elect, the Vice President, or the Vice President-elect; or

(3) a major candidate for the office of President or Vice President, or the spouse of such candidate; who is protected by the Secret Service as provided by law, shall be fined not more than \$1,000 or imprisoned not more than three years, or both.

(b) As used in this section—

(1) the term "immediate family" means—

(A) with respect to subsection (a)(1) of this section, the wife of a former President during his lifetime, the widow of a former President until her death or remarriage, and minor children of a former President until they reach sixteen years of age; and

(B) with respect to subsection (a)(2) of this section, a person to whom the President, President-elect, Vice President, or Vice President-elect—

(i) is related by blood, marriage, or adoption; or

(ii) stands in loco parentis;

(2) the term "major candidate for the office of President or Vice President" means a candidate referred to in subsection (a)(7) of section 3056 of this title; and

(3) the terms "President-elect" and "Vice President-elect" have the meanings given those terms in section 871(b) of this title.

(Added Pub.L. 97-297, § 1(a), Oct. 12, 1982, 96 Stat. 1317, and amended Pub.L. 98-587, § 3(a), Oct. 30, 1984, 98 Stat. 3111.)

EDITORIAL NOTES

References in Text. The Joint resolution to authorize the United States Secret Service to furnish protection to major Presidential or Vice Presidential candidates, approved June 6, 1968, referred to in subsec. (b)(2), is Pub.L. 90-331, June 6, 1968, 82 Stat. 170, which is set out as a note under section 3056 of this title.

CHAPTER 42—EXTORTIONATE CREDIT TRANSACTIONS

Sec.

891. Definitions and rules of construction.

892. Making extortionate extensions of credit.

893. Financing extortionate extensions of credit.

Sec.

894. Collection of extensions of credit by extortionate means.

[895. Repealed.]

896. Effect on State laws.

EDITORIAL NOTES

Savings Provisions of Pub.L. 98-473, Title II, c. II. See section 235 of Pub.L. 98-473, Title II, c. II, Oct. 12, 1984, 98 Stat. 2031, as amended, set out as a note under section 3551 of this title.

§ 891. Definitions and rules of construction

For the purposes of this chapter:

(1) To extend credit means to make or renew any loan, or to enter into any agreement, tacit or express, whereby the repayment or satisfaction of any debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or will be deferred.

(2) The term "creditor", with reference to any given extension of credit, refers to any person making that extension of credit, or to any person claiming by, under, or through any person making that extension of credit.

(3) The term "debtor", with reference to any given extension of credit, refers to any person to whom that extension of credit is made, or to any person who guarantees the repayment of that extension of credit, or in any manner undertakes to indemnify the creditor against loss resulting from the failure of any person to whom that extension of credit is made to repay the same.

(4) The repayment of any extension of credit includes the repayment, satisfaction, or discharge in whole or in part of any debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

(5) To collect an extension of credit means to induce in any way any person to make repayment thereof.

(6) An extortionate extension of credit is any extension of credit with respect to which it is the understanding of the creditor and the debtor at the time it is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(7) An extortionate means is any means which involves the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(8) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and territories and possessions of the United States.

[394 US 705]
ROBERT WATTS, Petitioner,

v

UNITED STATES

394 US 705, 22 L Ed 2d 664, 89 S Ct 1399

[No. 1107, Misc.]

April 21, 1969

SUMMARY

During a public rally on the Washington Monument grounds, the defendant, an 18-year-old boy, joined a gathering scheduled to discuss police brutality. When one member of the group suggested that the young people present should get more education before expressing their views, the defendant responded: "They always holler at us to get an education. And now I have already received my draft classification as I-A and I have got to report for my physical this Monday coming. I am not going. If they ever make me carry a rifle the first man I want to get in my sights is L.B.J. They are not going to make me kill my black brothers." On the basis of that statement, the defendant was convicted, in the United States District Court for the District of Columbia, of violating a federal statute making it a felony to knowingly and wilfully threaten the President. The United States Court of Appeals for the District of Columbia affirmed. (131 App DC 125, 402 F2d 676.)

On certiorari, the United States Supreme Court reversed, granted the defendant's motion to proceed in forma pauperis, and remanded the case with instructions for the entry of a judgment of acquittal. In a per curiam opinion, expressing the view of five members of the court, it was held that the defendant's conditional statement, taken in context, was political hyperbole rather than a true "threat" within the meaning of the statute.

DOUGLAS, J., concurring, stated that suppression of speech as an effective police measure was an old, old device, outlawed by our Constitution.

FORTAS, J., joined by HARLAN, J., dissented on the ground that rulings on the constitutionality and application of the statute should not have been made without hearing.

WHITE, J., dissented without opinion.

STEWART, J., would have denied the petition for certiorari.

SUBJECT OF ANNOTATION

Beginning on page 988, *infra*

Validity and construction of federal statute (18 USC § 871)
punishing threats against the President

Briefs of Counsel, p 987, *infra*.

HEADNOTES

Classified to U. S. Supreme Court Digest, Annotated

Constitutional Law § 927.5 — threatening the President

1. Taken in context, an 18-year-old boy's statement to a discussion group that he is not going to report for military induction, and that "if they ever make me carry a rifle the first man I want to get in my sights is L.B.J.," constitutes constitutionally protected political hyperbole, rather than a true "threat" against the President of the United States in violation of a federal statute prohibiting any person from knowingly and wilfully making any threat to take the life of, or to inflict bodily harm upon, the President of the United States (18 USC § 871(a)), where both the boy and his audience laughed after the statement was made.

[See annotation, p. 988, *infra*]

Constitutional Law § 927.5 — threatening the President

2. 18 USC § 871(a), prohibiting any person from knowingly and wilfully making any threat to take the life of, or to inflict bodily harm upon, the President of the United States, is constitutional on its face.

[See annotation, p. 988, *infra*]

Constitutional Law § 927.5; Statutes § 108 — limited construction — pure speech

3. A statute, such as 18 USC § 871 (a) (prohibiting threats against the President of the United States), which makes criminal a form of pure speech, must be interpreted with the commands of the First Amendment clearly in mind; what is a threat must be distinguished from what is constitutionally protected speech.

[See annotation, p. 988, *infra*]

Evidence § 419 — burden of proof — threatening the President

4. 18 USC § 871(a), making it a felony to knowingly and wilfully threaten the President of the United States, initially requires the government to prove a true "threat."

[See annotation, p. 988, *infra*]

Constitutional Law §§ 927, 927.5; Statutes § 108 — limited construction — uninhibited debate

5. 18 USC § 871(a), making it a felony to knowingly and wilfully threaten the President of the United States, must be interpreted against the background of a profound national commitment to the principle that de-

TOTAL CLIENT SERVICE LIBRARY REFERENCES

16 AM JUR 2d, Constitutional Law §§ 144-149, 341-352
US L ED DIGEST, Appeal and Error § 1701; Constitutional Law §§ 927, 927.5; Evidence § 419; Statutes § 108
ALR DIGESTS, Constitutional Law § 792(1); Statutes § 244 (4)
L ED INDEX TO ANNO, Constitutional Law; Statutes
ALR QUICK INDEX, Freedom of Speech and Press; Statutes; Threats

ANNOTATION REFERENCES

Validity and construction of federal statute (18 USC § 871) punishing threats against the President. 22 L Ed 2d 988.

The Supreme Court and the right of free speech and press. 93 L Ed 1151,

2 L Ed 2d 1706, 11 L Ed 2d 1116, 16 L Ed 2d 1053.

Validity of legislation directed against political, social, or industrial propaganda deemed to be of a dangerous tendency. 1 ALR 336, 20 ALR 1535, 73 ALR 1494.

bate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.

[See annotation, p. 988, *infra*]

Appeal and Error § 1701 — remanding with directions — acquittal

6. The United States Supreme Briefs of Counsel, p 987, *infra*.

Court, upon reversing a conviction for threatening the President of the United States, in violation of 18 USC § 871(a), will remand the case with instructions for the entry of a judgment of acquittal, where the defendant's only offense was "a kind of very crude offensive method of stating a political opposition to the President."

[See annotation, p. 988, *infra*]

OPINION OF THE COURT

Per Curiam.

After a jury trial in the United States District Court for the District of Columbia, petitioner was convicted of violating a 1917 statute which prohibits any person from "knowingly and willfully . . . [making] any threat to take the life of or to inflict bodily harm upon the President of the United States"† The incident

[394 US 706]

which led to petitioner's arrest occurred on August 27, 1966, during a public rally on the Washington Monument grounds. The crowd present broke up into small discussion groups and petitioner joined a gathering scheduled to discuss police brutality. Most of those in the group were quite young, either in their teens or early twenties. Petitioner, who himself was 18 years old, entered into the discussion after one member of the group suggested that the young people present should get more education before expressing their views. According to an investigator for the Army Counter Intelligence Corps who was present, petitioner re-

sponded: "They always holler at us to get an education. And now I have already received my draft classification as 1-A and I have got to report for my physical this Monday coming. I am not going. If they ever make me carry a rifle the first man I want to get in my sights is L. B. J." "They are not going to make me kill my black brothers." On the basis of this statement, the jury found that petitioner had committed a felony by knowingly and willfully threatening the President. The United States Court of Appeals for the District of Columbia Circuit affirmed by a two-to-one vote. 131 App DC 125, 402 F2d 676 (1968). We reverse.

[1] At the close of the Government's case, petitioner's trial counsel moved for a judgment of acquittal. He contended that there was "absolutely no evidence on the basis of which the jury would be entitled to find that [petitioner] made a threat against the life of the President."

[394 US 707]

He stressed the fact that

† 18 USC § 871 (a) provides:

"Whoever knowingly and willfully deposits for conveyance in the mail or for a delivery from any post office or by any letter carrier any letter, paper, writing, print, missive, or document containing any threat to take the life of or to inflict bodily harm upon the President of the United States, the President-elect, the Vice President or other officer next in the order of succession

to the office of President of the United States, or the Vice President-elect, or knowingly and willfully otherwise makes any such threat against the President, President-elect, Vice President or other officer next in the order of succession to the office of President, or Vice President-elect, shall be fined not more than \$1,000 or imprisoned not more than five years, or both."

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WATTS v UNITED STATES

667

394 US 705, 22 L Ed 2d 664, 89 S Ct 1399

petitioner's statement was made during a political debate, that it was expressly made conditional upon an event—induction into the Armed Forces—which petitioner vowed would never occur, and that both petitioner and the crowd laughed after the statement was made. He concluded, "Now actually what happened here in all this was a kind of very crude offensive method of stating a political opposition to the President. What he was saying, he says, I don't want to shoot black people because I don't consider them my enemy, and if they put a rifle in my hand it is the people that put the rifle in my hand, as symbolized by the President, who are my real enemy." We hold that the trial judge erred in denying this motion.

[2, 3] Certainly the statute under which petitioner was convicted is constitutional on its face. The Nation undoubtedly has a valid, even an overwhelming, interest in protecting the safety of its Chief Executive and in allowing him to perform his duties without interference from threats of physical violence. See H. R. Rep No. 652, 64th Cong, 1st Sess (1916). Nevertheless, a statute such as this one, which makes criminal a form of pure speech, must be interpreted with the commands of the First Amendment clearly in mind. What is a threat must be distinguished from what is constitutionally protected speech.

[4, 5] The judges in the Court of Appeals differed over whether or not the "willfulness" requirement of the statute implied that a defendant must have intended to carry out his "threat." Some early cases found the willfulness requirement met if the speaker voluntarily uttered the charged words with "an apparent determination to carry them into execution." *Ragansky v United States*, 253 F 643, 645 (CA7th Cir

1918) (emphasis supplied); cf. *Pierce v United States*, 365 F2d 292 (CA

[394 US 708]

10th Cir 1966). The majority below seemed to agree. Perhaps this interpretation is correct, although we have grave doubts about it. See the dissenting opinion below, 131 App DC, at 135-142, 402 F2d, at 686-693 (Wright, J.). But whatever the "willfulness" requirement implies, the statute initially requires the Government to prove a true "threat." We do not believe that the kind of political hyperbole indulged in by petitioner fits within that statutory term. For we must interpret the language Congress chose "against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials." *New York Times Co. v Sullivan*, 376 US 254, 270, 11 L Ed 2d 686, 701, 84 S Ct 710, 95 ALR2d 1412 (1964). The language of the political arena, like the language used in labor disputes, see *Linn v United Plant Guard Workers of America*, 383 US 53, 58, 15 L Ed 2d 582, 587, 86 S Ct 657 (1966), is often vituperative, abusive, and inexact. We agree with petitioner that his only offense here was "a kind of very crude offensive method of stating a political opposition to the President." Taken in context, and regarding the expressly conditional nature of the statement and the reaction of the listeners, we do not see how it could be interpreted otherwise.

[6] The motion for leave to proceed in forma pauperis and the petition for a writ of certiorari are granted and the judgment of the Court of Appeals is reversed. The case is remanded with instructions

that it be returned to the District Court for entry of a judgment of acquittal.

It is so ordered.

Mr. Justice Stewart would deny the petition for certiorari.

Mr. Justice White dissents.

SEPARATE OPINIONS

[394 US 709]

Mr. Justice Douglas, concurring.

The charge in this case is of an ancient vintage.

The federal statute under which petitioner was convicted traces its ancestry to the Statute of Treasons (25 Edw 3) which made it a crime to "compass or imagine the Death of . . . the King." Note, *Threats to Take the Life of the President*, 32 Harv L Rev 724, 725 (1919). It is said that one Walter Walker, a 15th century keeper of an inn known as the "Crown," was convicted under the Statute of Treasons for telling his son: "Tom, if thou behavest thyself well, I will make thee heir to the CROWN." He was found guilty of compassing and imagining the death of the King, hanged, drawn, and quartered. 1 J. Campbell, *Lives of the Chief Justices of England* 151 (1873).

In the time of Edward IV, one Thomas Burdet who predicted that the king would "soon die, with a view to alienate the affections" of the

people was indicted for "compassing and imagining the death of the King," 79 Eng Rep 706 (1477)—the crime of constructive treason¹ with which the old reports are filled.

[394 US 710]

In the time of Charles II, one Edward Brownlow was indicted "for speaking these words, that he wished all the gentry in the land would kill one another, so that the comminallty might live the better." 3 Middlesex County Rec 326 (1888). In the same year (1662) one Robert Thornell was indicted for saying "that if the Kinge did side with the Bishops, the divell take Kinge and the Bishops too." *Id.*, at 327.

While our Alien and Sedition Laws were in force, John Adams, President of the United States, en route from Philadelphia, Pennsylvania, to Quincy, Massachusetts, stopped in Newark, New Jersey, where he was greeted by a crowd and by a committee that saluted him by firing a cannon.

A bystander said, "There goes the

1. The prosecution in those cases laid bare to the juries that the treasonous thoughts were the heart of the matter; "the original of his Treasons proceeded from the imagination of his heart; which imagination was in itself High-Treason, albeit the same proceeded not to any overt fact: and the heart being possessed with the abundance of his traitorous imagination, and not being able so to contain itself, burst forth in vile and traitorous Speeches, and from thence to horrible and heinous actions." Trial of Sir John Perrot, 1 How St Tr 1315, 1318 (1592). "[T]he high treason charged, is the compassing or imagining (in other words, the intending or designing) the death of the king; I mean

his NATURAL DEATH; which being a hidden operation of the mind, an overt act is any thing which legally proves the existence of such traitorous design and intention—I say that the design against the king's natural life, is the high treason under the first branch of the statute; and whatever is evidence, which may be legally laid before a jury to judge of the traitorous intention, is a legal overt act; because an overt act is nothing but legal evidence embodied upon the record." Trial of Thomas Hardy, 24 How St Tr 199, 894 (1794). And see 84 Eng Rep 1057 (1708).

For a discussion of the adequacy of mere words as overt acts see 3 W. Holdsworth, *History of English Law* 293 (1927).

394 US 705, 22 L Ed 2d 664, 89 S Ct 1399

President and they are firing at his ass." Luther Baldwin was indicted for replying that he did not care "if they fired through his ass." He was convicted in the federal court for speaking "seditious words tending to defame the President and Government of the United States" and fined, assessed court costs and expenses, and committed to jail until the fine and fees were paid. See J. Smith, *Freedom's Fetters* 270-274 (1956).

The Alien and Sedition Laws constituted one of our sorriest chapters; and I had thought we had done with them forever.²

[394 US 711]

Yet the present statute has hardly fared better. "Like the Statute of Treasons, section 871 was passed in a 'relatively calm peacetime spring,' but has been construed under circumstances when intolerance for free speech was much greater than it normally might be." Note, *Threatening the President: Protected Dissenter or Political Assassin*, 57 Geo LJ 553, 570 (1969). Convictions under 18 USC § 871 have been sustained for displaying posters urging passersby to "hang [President] Roosevelt." *United States v Apel*, 44 F Supp 592, 593 (DC ND Ill 1942); for declaring that "President Wilson ought to be killed. It is a wonder some one has not done it already. If I had an opportunity, I would do it myself." *United States v Stickrath*, 242 F 151, 152 (DC SD Ohio 1917); for declaring that "Wilson is a wooden-headed son of a bitch. I wish Wilson was in hell,

and if I had the power I would put him there," *Clark v United States*, 250 F 449 (CA5th Cir 1918). In sustaining an indictment under the statute against a man who indicated that he would enjoy shooting President Wilson if he had the chance, the trial court explained the thrust of § 871.

"The purpose of the statute was undoubtedly, not only the protection of the President, but also the prohibition of just such statements as those alleged in this indictment. The expression of such direful intentions and desires, not only indicates a spirit of disloyalty to the nation bordering upon treason, but is, in a very real sense, a menace to the peace and safety of the country. . . . It arouses resentment

[394 US 712]

and concern on the part of patriotic citizens." *United States v Jasick*, 252 F 931, 933 (DC ED Mich 1918). Suppression of speech as an effective police measure is an old, old device, outlawed by our Constitution.

Mr. Justice Fortas, with whom Mr. Harlan joins, dissenting.

The Court holds, without hearing, that this statute is constitutional and that it is here wrongly applied. Neither of these rulings should be made without hearing, even if we assume that they are correct.

Perhaps this is a trivial case because of its peculiar facts and because the petitioner was merely given a suspended sentence. That does not justify the Court's action.

2. "In the Sedition Act cases, the tendency of words to produce acts against the peace and security of the community was stretched to its utmost latitude. Likewise, judges and juries, in their willingness to presume evil intent on the part of Republican writers, largely nullified the safeguards erected by the Sedition Act itself. Criticism of the President and Congress—in which every American indulges as his

birthright—was severely punished; yet this practice manifestly has only a remote tendency to injure and bring into contempt the government of the United States. In short, much that has become commonplace in American Political Life was put under the ban by the Federalist lawmakers and judges of 1798." J. Miller, *Crisis in Freedom*, 233 (1951).

It should induce us to deny certiorari, not to decide the case on its merits and to adjudicate the difficult questions that it presents.

EDITOR'S NOTE

An annotation on "Validity and construction of federal statute (18 USC § 871) punishing threats against the President," appears p. 988, *infra*.

2ND STORY of Level 1 printed in FULL format.

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The Houston Chronicle

November 20, 1992, Friday, 2 STAR Edition

SECTION: A; Pg. 11

LENGTH: 355 words

HEADLINE: GOPs abandon plan for Clinton bull's-eye

BYLINE: PETER MITCHELL; Orlando Sentinel

DATELINE: ORLANDO, Fla.

BODY:

ORLANDO, Fla. -- A right-wing young Republican group, bowing to pressure from the U.S. Secret Service, backed away Thursday from plans to use enlarged photos of President -elect Clinton as targets for a weekend turkey shoot.

"They came down hard on us, saying we threatened the president, things like that," said David Abrami, vice president of Central Florida Young Republican Club. "So we canceled it."

The event, planned for Saturday, would have been the club's second "turkey shoot" fund-raiser. But this one had a new twist: a bull's-eye target of Clinton's face.

For a \$ 2 donation, participants could fire a shotgun at the target. The person closest to the bull's-eye -- Clinton's right cheek -- would win a turkey.

"This will be fun for the entire family," Abrami said in a press release publicizing the event. "There will be food, drink and fun for all."

Plans for the fund-raiser went awry when the Secret Service learned about it. An agent in Orlando contacted the U.S. Attorney's Office to see if it violated any laws.

It didn't, Assistant U.S. Attorney Tom Turner said.

"It has to be an actual threat to do imminent harm," Turner said. "In the context of it all, it looks like extremely bad taste, but it doesn't appear to be against the law. I would say it appears to be protected free speech." But when Abrami, a 22-year-old senior at the University of Central Florida, heard the Secret Service was investigating, he was worried. Thursday morning, he spoke with the Secret Service, then decided to cancel the event.

Nevertheless, Abrami contends no harm was intended, despite protests from area Democrats.

The Houston Chronicle, November 20, 1992

"We just figured he's head of the Democratic Party right now, and we're Republicans," said Abrami, who thought of placing Clinton's face on the targets. "We thought it would be a nice parody. We didn't mean any ill will by it."

The Central Florida Young Republican Club, a rival of the more centrist Orange County Young Republicans, has a mailing list of about 350 members. They raised about \$ 2,000 with last year's turkey shoot.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: November 21, 1992

Newsday, November 25, 1992

Turkeys Shoot

The Central Florida Young Republican Club may not be eating turkey for Thanksgiving. Crow would be more like it. Members of the right-wing group found themselves in a stew with the Secret Service after they planned to use a photo of President -elect Bill Clinton as a target for a weekend turkey shoot. Promoting the event as "fun for the entire family," they gave entrants the chance to fire a shotgun at the target for a \$ 2 donation. The person who hit closest to the bulls-eye - Clinton's right cheek - was going to win a turkey. The club's vice-president, David Abrami, said the club didn't mean any harm. "We're Republicans, so we figured it would be a nice little parody to shoot at the head of the Democratic party. Unfortunately, some people got bent out of shape." Including the Secret Service. "The [Secret Service] guy basically yelled at me for 20 minutes," said Abrami, a New York native, acknowledging that the event had been called off. "He said I hadn't broken any laws yet, but that they're continuing to investigate and if they found that I had broken any laws they would come down and arrest me."

Fast Facts

AL D'LA DEE DA: On Monday night, everyone who ever wanted Al D'Amato to be Senator D'Amato one or more times was thrilled to be invited to Laura Belle to celebrate his victory. Why were all those Republicans and more than a smattering of Dems thrilled? Because as Al the pol pal said, "I bet you can't believe you're at a political party you didn't have to pay to attend." Not only were they surprised, but ambulances were lined up to haul away victims of severe shock . . . BLEEDING HEART COMEDIANS: Penn & Teller will make a disgusting dessert from their new book, "How to Play with Your Food," at Trattoria dell'Arte today. The comedians will prepare their personal favorite, Bleeding Heart dessert, for lunchtime patrons. It's got liquid Jell-O and it oozes and makes you want to projectile vomit. Aside from that, they shouldn't play with their food.

THAT'S WHY THEY CALL IT THE BLUES: On Monday night, maybe 7 million people (including onlookers) poured onto a tiny street in Cambridge, Mass., to celebrate the opening of The House of Blues, owned by an original Blues Brother, Dan Aykroyd, plus partners River Phoenix and Isaac Tigrett (he's the guy who opened the original Hard Rock Cafes. This is not NYC, so everyone in the state turned out - including the governor, William Weld. Since they want the joint to be memorable, the owners figured they'd have the Blues Bros. put their hand-and-footprints in blue cement out front. Aykroyd figured that his butt, which alone requires maybe several yards of concrete, was more appropriate. So that's what he did, here with members of the band. Every Delta blues musician who's still alive showed up and jammed till 2 in the morning, and so did the surviving members of Blues Brothers band. Joining the band as a surprise guest was Jason Starkey, Ringo Starr's son. What was he doing there? His mom, Maureen Starkey, is married to Tigrett. Joe Walsh (The Eagles), Paul Rogers (Bad Company), Paul Shaffer and Joey McIntyre (New Kids), as well as Tom Hamilton and Joey Kramer of Aerosmith all showed. Giving a whole new dimension to "Do you come here often?," the Aerosmith guys were walking around the joint carrying house condoms. Yes, first there was house Scotch - now places have condoms with their own imprints.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. memo	To Chief of Secret Service from Pam Barnett re: [incident] (partial) (1 page)	03/14/94	b(7)(C), b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Maggie Williams (Subject Files)
OA/Box Number: 10815

FOLDER TITLE:

Secret Service Info

2013-0359-S
ry1452

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

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RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

*File
Secret
Service*

THE WHITE HOUSE

WASHINGTON

March 14, 1994

TO:

(b)(7)c, (b)(6)

Uniformed Division
United States Secret Service

FROM:

Pam Barnett, Executive Assistant to the First Lady

Pam Barnett

On Friday, March 11, at approximately 6:45 p.m., I was leaving the White House via the East Appointments Gate. There were three large gentlemen dressed in casual clothing "hanging out" by the turnstile. As staff passed through the turnstile, one of them, who either was under the influence of alcohol or Rush Limbaugh, was yelling in a challenging manner at staff that passed through the turnstile, "What do you do in there, I just want to know what you do in there?" Everyone, including the sole officer in the guard house, thought this was very funny. When I replied that what I did was not want to be harassed by visitors to the White House, he screamed at me, "She must be one of the shredders."

I have a very good sense of humor, but I did not find this funny, particularly with the thought that this guy might just follow me down the street. I do not know what responsibility your officers have for the protection of White House staff, but I sense that if these guys did not look like prosperous suburbanites, they would have been removed from the area. The officer was alone at the time and may have been impeded from taking action because of that. I do not know. But in this highly charged political atmosphere, I would like to feel safer when I leave the complex.

Thank you for your attention.

cc: Mack McLarty
Maggie Williams ✓

File Secret Service

MEMORANDUM

TO: David Watkins
Patsy Thomasson

FROM: Ann Stock *AS*

DATE: December 15, 1993

For the past few months, this office has been experiencing so many problems with WAVES that I feel I must come to you for guidance.

It becomes very embarrassing when people who have already been cleared in to meet with me, CALL ON THE APPOINTED TIME TO NOTIFY ME THAT THEY ARE STRANDED AT THE GATE.

If this was my only cause for complaint, I would try another avenue to correct it, but, I am now facing a much more perplexing problem.

With the approaching holidays, we have had to add many people on a volunteer basis to handle the work load. Rather than call WAVES daily it was thought to print the lists from the 11th of December thru the 30th.

First a call was placed to WAVES to ensure this would be acceptable, the list was fax'd and another call was placed to make sure the list was received.

On the first day, which happened to be a Saturday, none of these people were cleared. The same for Sunday and the same for Monday. Telephone calls to WAVES uncovered the following:

All lists must be typed, not printed. We were not advised of this when our first call was made.

Each date must be on a separate sheet of paper so they can be filed by date. We were not advised of this also.

I am very anxious to discuss this problem with you. We must must come up with a workable solution to eliminate this most troublesome problem.

cc M. McLarty
M. Williams

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006a. memo	To Mack McLarty from Ronald K. Noble re: Secret Service (1 page)	09/01/93	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Maggie Williams (Subject Files)
OA/Box Number: 10815

FOLDER TITLE:

Secret Service Info

2013-0359-S

rv1452

RESTRICTION CODES

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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006b. memo	To John W. Magaw from Ronald K. Noble re: Secret Service (1 page)	09/01/93	b(7)(C), b(7)(E), b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Maggie Williams (Subject Files)
OA/Box Number: 10815

FOLDER TITLE:

Secret Service Info

2013-0359-S
ry1452

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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006c. memo	To Mack McLarty from Ronald K. Noble re: Secret Service (copy of 006a) (1 page)	09/01/93	b(6)
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COLLECTION:

Clinton Presidential Records
First Lady's Office
Maggie Williams (Subject Files)
OA/Box Number: 10815

FOLDER TITLE:

Secret Service Info

2013-0359-S

ry1452

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Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006d. memo	To John Magaw from Ronald K. Noble re: Secret Service (copy of 006b) (1 page)	09/01/93	b(7)(C), b(7)(E), b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Maggie Williams (Subject Files)
OA/Box Number: 10815

FOLDER TITLE:

Secret Service Info

2013-0359-S

ry1452

RESTRICTION CODES

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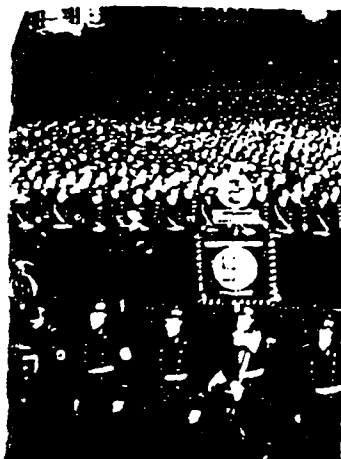
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Time May 10 93



\$\$ FOR THE SS
Do these Nazis deserve cash benefits?



CAT-ALOGING CLINTON

In all the punditry about Clinton's first 100 days, something has been missed: Socks, the First Cat, is having as miserable a start as the President. Is there a connection? You decide:

Clinton Administration paralyzed by issue of gays in military.
Socks nearly hangs himself with own leash.

Clinton snippy to aides in public.
Cats magazine says Socks not declawed.

Roger Clinton performs with En Vogue.
Socks' sister Midnight does layout in PEOPLE magazine.

Clinton indecisive on stimulus package; initiative dies in Congress.
Reports confirm Socks is neutered.

GRAPEVINE

By CHRISTOPHER JOHN FARLEY

Cleaning House

IT'S SPRING-CLEANING TIME AT THE WHITE HOUSE, AND SOME staffers seem likely to be swept away. An outside consultant will be there this week to scrutinize personnel in the West and East Wings and to make recommendations on who should go and who should stay. Coming under inspection will be the ushers' office (responsible for the residence's day-to-day operation) as well as the staff of **JOHN W. MAGAW**, who's headed the Secret Service since the Bush era (some of his agents might be transferred). The staff rejiggering will result in a White House more closely tailored to its current occupants.

Continental Drift

TWO MAJOR INVESTORS IN CONTINENTAL AIRLINES AND NORTHWEST Airlines are quietly talking merger. **DAVID BONDERMAN**, whose investor group controls 28.7% of Continental Airlines, and **RICHARD C. BLUM**, a key Northwest Airlines board member, recently held a secret meeting in the very conspicuous Hotel Bel-Air in Los Angeles. If the two can work out the snags—such as the fact that Air Canada owns a chunk of Continental—Bonderman and Blum could make a deal that would shake up the airline industry.

A Pension Plan for Nazi Followers

FIFTY YEARS AFTER WORLD WAR II, THE THIRD REICH'S CRACK troops are cashing in. Many Czechs, Poles and other East Europeans served in Hitler's SS but hid their past after the end of World War II for fear of retribution from ruling communist governments. Now that communism is fading, SS veterans are going public to collect pensions from the German government. Germany's social security system has awarded \$190-a-month payments (a small fortune in the Baltics) to more than 250 disabled SS veterans in Lithuania, Latvia and Estonia. Says Latvian SS veteran and pension receiver Boris Mikhailov: "Thank you, Germany, thank you." Latvian Jews who survived the Holocaust, it should be noted, haven't got a red cent.

Hitler's Body

ON MAY 25 NBC WILL AIR A SPECIAL ON THE KGB ALLEGING that **YURI ANDROPOV**, when he was the Soviet spy chief, knew where the body of Adolf Hitler was buried. Excerpts from a 1970 Andropov memo: "In Feb. 1946 in the city of Magdeburg [G.D.R.]... the bodies of Hitler, Eva Braun, Goebbels, his wife and children were buried... I would consider it expedient to remove the remains and destroy them by cremation."

Thou Shalt Not Steal (My Scotch)

DAVID KORESH WASN'T A REAL MESSIAH: HE COULDN'T TURN water into wine, and perhaps that's why he so valued his private stash of Scotch whisky. TIME has learned that three Branch Davidian cultists who left Ranch Apocalypse before the conflagration and surrendered were forced to leave by Koresh for getting into the would-be prophet's Scotch cache. At first Koresh punished the three—Kevin Whitecliff, Brad Branch and Oliver Gyarfas—by ordering them to bury a rotting corpse. Finally the Scotch-drinking cult leader had them released. The trio is being held in jail in Waco.



Fashion Statement
One of the hottest accoutrements among the White House press corps is a little black-and-white sticker that reads, **HE'S RUNNING A FEW MINUTES LATE**. The "he" is none other than President Clinton, who is perpetually and notoriously behind schedule. Above, White House communications director George Stephanopoulos models a sticker. Moments after the camera clicked, Stephanopoulos remembered his political instincts and, with a laugh, pulled the sticker off.

VOX POP

Have you ever had a dream about...

	Yes
Bill Clinton	2%
Another President	10%

From a telephone poll of 1,000 adult Americans taken for TIME/CNN on April 28-29 by Yankelovich Partners Inc. Sampling error is ± 3%.



SCOTCH AND CHASER:
Koresh expelled this trio

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Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007a. memo	To [Secret Service] from Capricia Marshall re: residence (2 pages)	08/28/93	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Maggie Williams (Subject Files)
OA/Box Number: 10815

FOLDER TITLE:

Secret Service Info

2013-0359-S

ry1452

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007b. report	Re: USSS (1 page)	n.d.	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Maggie Williams (Subject Files)
OA/Box Number: 10815

FOLDER TITLE:

Secret Service Info

2013-0359-S

ry1452

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008a. memo	To Thomas F. McLarty from Ronald K. Noble re: Secret Service (3 pages)	09/02/93	b(7)(C), b(7)(E), b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Maggie Williams (Subject Files)
OA/Box Number: 10815

FOLDER TITLE:

Secret Service Info

2013-0359-S

ry1452

RESTRICTION CODES

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008b. memo	To John W. Magaw from Ronald K. Noble re: Secret Service (1 page)	09/01/93	b(7)(C), b(7)(E), b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Maggie Williams (Subject Files)
OA/Box Number: 10815

FOLDER TITLE:

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SUNDAY, MAY 16, 1993

Arkansas Democrat Gazette
Largest Circulation In Arkansas

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Brandon Lee: Foul play or victim of a curse?

Q I'm still in shock over how Brandon Lee—shot while filming "The Crow"—died in a mysterious way like his father, martial-arts legend Bruce Lee. Do you think it was foul play? Or was there some kind of hex on the set?—Hubert Chapman, New York, N.Y.

A The shooting death of Brandon Lee at 28—four years younger than his father's age when Lee Sr. died of a brain edema in 1973—appears to have been a freak accident. A .44 gun supposedly loaded with blanks fired the tip of a dummy bullet through Brandon's stomach, lodging in his spine. Even before his death, however, there seemed to be a "curse" on the film set. A carpenter was burned, a construction worker drove a screwdriver through his hand, and a disgruntled sculptor smashed his car through the studio's plaster shop.



Betsy and Gene at Oscars: He finally found contentment

Q Gene Hackman has won practically every award in the acting business. So why don't we read much about him? Is it because he's a balding, middle-aged character actor and the press doesn't consider him sexy enough?—Jean Day, Davenport, Iowa

A Hackman's talent has made him a favorite of the press, but the Oscar-winning actor prefers his privacy. He took a break from performing from 1977



Tatum and Mac before breakup: She got act together

Q Can you bring us up to date on the marital problems of John McEnroe and Tatum O'Neal? Are they still splitsville? Who has the children? And is Tatum pursuing an acting career?—Jane Cantrell, Monterey, Calif.

A The single life seems to agree with Tatum, 29. Since her separation from McEnroe, 34, she has managed to get her act together in more ways than one. Tatum works out with Madonna's trainer, Rob Parr, and looks better than she has in years. She recently filmed the NBC miniseries "Woman on the Run: The Lawrence Bembenek Story," scheduled to air tonight. The children—Kevin, 7, Sean, 6, and Emily, 2—reportedly live in New York City with their father.

Q I am a huge fan of The Police. I would like to know what drummer Stewart Copeland has been up to since the rock group's last album in 1983. Is Copeland married? And does he have any children?—E. Crounse, Albuquerque, N.M.



Hinko Camera Press/Globe

A After six years with The Police, Stewart Copeland—son of a founder of the CIA—became a member of the group Animal Logic. Now 40, he has given up the life of a touring rock musician, however, and now lives in

Q Does a foreign-owned company in America pay the same taxes as an American-owned company?—Louis C. Dunn Sr., Ridge, Md.

A State tax rates may differ for foreign and domestic businesses, but federal tax rates are the same for all corporations chartered in the U.S., regardless of the owner's nationality. Foreign corporations pay taxes only on their U.S. earnings, however—and just to make sure Uncle Sam is getting what's coming to him, the IRS is known to keep a sharp eye on those earnings.

Q I love George Strait's music. How old was he when he started singing? Is he married? Any children?—Bobbie Jean Dorvall, Corning, Calif.

A When he was 18, Strait eloped with his high school sweetheart, Norma Boss. A year later, he was teaching himself to sing and play the guitar while serving in the Army. Now 40, the country music star lives in San Antonio with his wife and son, George Jr., 11, whom he calls "Bubba." His daughter, Jennifer, died nearly seven years ago in a car accident at age 13.



George Strait and wife, Norma, his high school sweetheart

Q Is there any truth to rumors making the rounds in Washington that Bill and Hillary Rodham Clinton have been getting on each other's nerves? Have they been hollering at each other? And did the First Lady actually throw something at the President?—Alexandra Stoll, Cleveland, Ohio

Brandon Lee: Foul play or victim of a curse?

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A Hackman's talent has made him a favorite of the press, but the Oscar-winning actor prefers his privacy. He took a break from performing from 1977 to 1981; divorced his wife of 30 years, Faye Maltese, in 1986; and had angioplasty to open his blood vessels in 1990. Two years ago, at 61, Hackman finally seemed to find personal contentment when he wed Betsy Arakawa, a concert pianist half his age who obviously considers this balding, middle-aged man "sexy enough."



Tatum and Mac before breakup: She got act together

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Copeland: Made musical move from rock to opera

A After six years with The Police, Stewart Copeland—son of a founder of the CIA—became a member of the group Animal Logic. Now 40, he has given up the life of a touring rock musician, however, and composes film scores and operas. Divorced from Sonja Kristina, mother of his four sons, he lives in California with his second wife, who is not in show-biz and wishes to remain anonymous.

—and just to make sure Uncle Sam is getting what's coming to him, the IRS is known to keep a sharp eye on those earnings.

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George Strait and wife, Norma, his high school sweetheart

Q Is there any truth to rumors making the rounds in Washington that Bill and Hillary Rodham Clinton have been getting on each other's nerves? Have they been hollering at each other? And did the First Lady actually throw something at the President?—Alexandra Stolley, Cleveland, Ohio

A Those rumors—which is all they are—were reportedly started by talkative Secret Service agents, who witnessed the Clintons having what might be called a "spirited discussion." But all available evidence indicates that the Clintons, married since 1975, have a good relationship, if at times an explosive one.

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File Secret Service

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009. memo	To David Watkins, Margaret A. Williams, Isabelle R. Tapia from [special agent] re: protective measures (2 pages)	09/09/93	b(7)(C), b(7)(E), b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Maggie Williams (Subject Files)
OA/Box Number: 10815

FOLDER TITLE:

Secret Service Info

2013-0359-S

ry1452

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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financial information [(a)(4) of the PRA]
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purposes [(b)(7) of the FOIA]
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Clinton Library Transfer Form

Case #, if applicable		Accession #	
Collection/Record Group	Clinton Presidential Records	Series/Staff Name	Maggie Williams
Subgroup/Office of Origin	First Lady's Office	Subseries	Subject File
Folder Title	Secret Service Info	OA Number	10815
		Box Number	
Description of Item(s)	Oversized photograph of Presidential Protective Division with attached Post-It		

Donor Information			
Last Name:	First Name:	Middle Name:	Title:
Affiliation:	Phone (Wk):	Phone (Hm):	
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Other (Specify):	Last Box in Collection

Transferred by:	Brittany Cochran
Transfer Point	During Processing

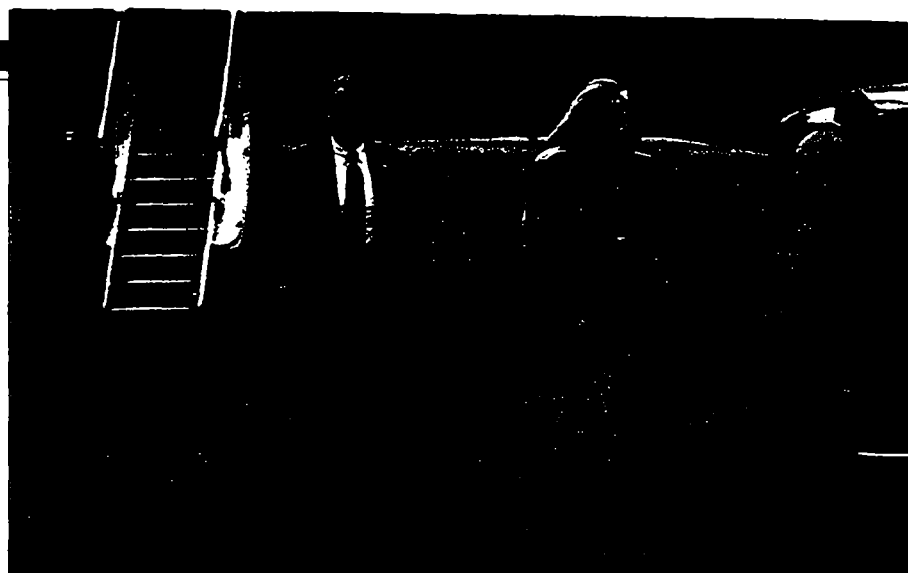
Date of Tranfer	6/20/2012
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of innocence by association. Activists created a core lobbying coalition called the Campaign for Military Service that includes the NAACP, the American Psychological Association and even the United Methodist Church, which does not permit openly gay clergy. Led by New York lawyer Tom Stoddard, the coalition hopes to raise \$3 million, spending two thirds of that on advertising. A paid staff of 25 includes veterans of the Clinton-Gore campaign, and an opposition research team is digging up past statements of pro-ban Senate witnesses to help a "rapid response team" put out quick rebuttals to negative testimony. The coalition has assigned all 100 senators a numerical code ranging from 1 to 5 depending on their likelihood of being supportive, targeting most efforts on the 2s, 3s and 4s.

The thorniest problem for gay-rights groups has been dealing with the public's complicated attitudes about homosexuality. Focus groups conducted for the coalition by Democratic pollster Mark Mellman showed that some people who favored the ban changed their minds after seeing films about servicemen and women being kicked out for being gay. The key, strategists concluded, was to focus on the issue of discrimination and not attempt to justify the "lifestyle." Supporters of the ban "will mouth arguments about showers and latrines, but when you really get down to it, it is about morality for them," says an adviser familiar with the research. Several focus-group participants also said they became more tolerant about gays in the military after hearing news reports that homosexuality may be biologically determined. "If it's a choice, then it is an immoral choice," the adviser says. "But if it is not a choice, then it is really hard to hold people responsible."

The coalition operates at one disadvantage not shared by most protest movements: many of its supporters do not want to be identified with the cause. An upcoming gay and lesbian march on Washington may impress Congress with its numbers—organizers are predicting up to 1 million demonstrators—but poses some potential problems as well. If the public focuses on extreme participants like Queer Nation, the coalition's efforts to showcase patriotic gay soldiers will be undermined. The gay-rights groups have to keep the battle contained to one front, while opponents will seek to broaden the conflict to tap into a deeper emotional discomfort with homosexuals. As one retired general warned, allowing gays openly in the military would be "a fast ticket to social acceptability." However sophisticated the lobbying effort, gay-rights activists know that they don't have a chance unless they have aggressive and unwavering support from their most famous advocate: Bill Clinton.

STEVEN WALDMAN with DANIEL GLICK, MARK MILLER and ELEANOR CLIFT in Washington



IRA WYMAN FOR NEWSWEEK

Living in the fishbowl: The First Lady with an agent deplaning in Little Rock

The Not-So-Secret Service

The Clintons are angry about leaks from agents

From the beginning, the Clintons chafed at their Secret Service protection. Wherever the hyperactive President and First Lady roamed, men in suits wearing earpieces seemed to follow. The agents not only watched, apparently, but listened—and talked. Although the Secret Service is supposed to be discreet, rumors about the Clintons' private life began making the rounds in Washington. An angry White House traced a couple of those rumors to the guardians. NEWSWEEK has learned that an official of the Treasury Department, which oversees the Presidential Protective Division, has delivered a threat: if the Secret Service doesn't back off and button up, another federal agency will be found to protect the First Family.

For the Secret Service, this is war. The agency doesn't want to surrender any of its expanded authority. Ever since the 1981 attempt on Ronald Reagan's life, agents have been stationed inside the First Family's living quarters. Horrified at the intrusion into their privacy, the Clintons shifted them to a second-floor outpost. Don Edwards, spokesman for the Secret Service, insists the agency was never threatened and "is not resisting anything." But he acknowledges that Clinton is an energetic, accessible president, and everyone is adjusting—some apparently better than others. Like the waiter who shows displeasure by spitting in the soup, some agents apparently began telling tales of what might be called spirited discussions between the Clintons. Pretty soon, Washington dinner parties were buzzing with stories of Hillary throwing—take your pick—a lamp, a briefing book or a Bible at

Bill. One outlandish tale has an angry Hillary lighting a cigarette to trigger her husband's allergies—this from a woman who banned smoking in the White House.

There is no evidence to support any of the stories. White House spokesman George Stephanopoulos denies everything from the home-front battles to dissension with the Secret Service. "It's ill informed, malicious, untrue gossip," he says, adding, "It's part of the air here." That much is true. When it comes to gossip, Washington is a small town. The late Alice Roosevelt Longworth kept a needlepoint pillow that said, "If you haven't got anything good to say about anyone, come and sit by me." Right-wing Republicans have been most active in spreading the notion that Hillary is the power in front of the throne, calling the shots and cursing like a man. But even White House aides feed the rumor mill in a can-you-top-this competition. The conservative Washington Times last week traced the rumor about Hillary throwing a Bible to stories about another First Lady, the wife of a governor who has been accused of bullying her security guards.

Rumors are a reality the Clintons will have to learn to live with. But adjusting to the ever-present Secret Service may be more difficult. Other presidents have learned to coexist. George Bush made a point of spending Christmas in the White House instead of at Camp David so his agents could be with their families. Still, living in the fishbowl of the White House is hard enough without worrying about a Secret Service that can't keep mum.

ELEANOR CLIFT with RICH THOMAS in Washington

The Battle of the Gay Ban

As Senate hearings begin, both sides are stepping up the fight

When Rep. Barney Frank arrived at a meeting with gay activists in Washington last Thursday, he was dismayed to find a pile of petitions protesting the military ban on homosexuals. Petitions, he explained to the puzzled audience, are "the lowest level of the food chain in persuading Congress." Throw them out, Frank told the organizers. Frank's message was clear: the gay community is now engaged in a formidable battle—and needs to use more effective weapons of Washington political warfare.

The Senate Armed Services Committee hearings on the gay ban that begin this week will reveal only the surface of a massive political fight. For weeks supporters and opponents of the ban have been organizing behind-the-scenes lobbying campaigns using everything from tales of homosexual group sex among soldiers to focus groups that will help shape slick advertising. Clinton's comments last week that he would consider restricting gays to certain tasks within the military have complicated the politics of the ban. Gay activists who had organized what one ally called Operation Lavender Storm to lift the ban now say they must direct their lobbying at both ends of Pennsylvania Avenue. To the distress of the White House, Clinton friend and adviser David Mixner said on "Nightline" that he became "literally sick to my stomach" when he heard the president's comments. On Friday the White House hastily called together gay activists to assure them that the president was still committed to ending discrimination. But a senior official claimed that the president had been surprised during a recent visit to the USS Theodore Roosevelt at just how cramped the quarters were.

The military has not been shy about playing rough with its new commander in chief.



LARRY DOWNING—NEWSWEEK

Cramped quarters: The president on board the carrier Theodore Roosevelt

Military officials are gathering case histories of gay behavior in the armed services in an attempt to prove rampant promiscuity. Pro-ban advocates within the military are prodding army investigators to release a film they have of army soldiers and civilians in Fort Hood, Texas, mutually masturbating in a latrine. Efforts to get copies of it to make public have been unsuccessful, and a senior army official says, "It's being protected like the gold in Fort Knox." Rep. Joe Barton, running for the Texas Senate seat, even tried to stage a photo opportunity touring the latrine. The Pentagon also pro-

vided Capitol Hill with a deposition from Capt. Gregory Markwell, the commanding officer of Petty Officer Keith Meinhold, who won a court battle for reinstatement in January. Markwell made the disputed claim that the gay sailor's presence was ruining morale at Moffett Field near San Francisco. Marines circulated an article in The Marine Corps Gazette penned by an officer who suggested disbanding the corps if homosexuals were permitted to serve openly. "The Marine Corps is about as far in the president's face as they could be without getting called in on charges of insubordination and treason," says James Coster, a Pittsburgh-based Marine reservist who formed a lobbying group called Straight Americans Military.

'Fascist perverts': A cadre of nonmilitary activists has opened another front in the campaign to keep the ban. Conservative activist Brooks McCarty set up a phone-bank lobbying operation that he claims can "handle more phone calls than the White House and congressional switchboards combined." A group of former officers including at least four retired four-star generals, one of whom is a former chairman of the Joint Chiefs of Staff, has formed the Defense Readiness Council to lobby Congress. Working in cooperation with such groups are less subtly titled organizations like Back to the Closet, whose national coordinator is Harley David Belew, an associate of anti-abortion activist Randall Terry. Belew has pledged that "We will not stand idly by and watch the fascist perverts from hell sodomize our U.S. military."

The gay community has tried a strategy

Lavender Storm: Anti-ban activist Stoddard

WALLY McNAMEE FOR NEWSWEEK

