

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF JUSTICE

TO : Harold D. Koffsky

DATE: December 1, 1964

FROM : Franklin S. Bonem

FSB:mar

SUBJECT: Possible Effect on State Laws of Draft Bill Prohibiting Assassination, etc. of the President or Others.

*Burkeley note
attached*

You have requested research material and my views on the possible pre-emptive effect of a proposed Department bill "to provide penalties for the assassination of the President or the Vice President, and for other purposes." You have also requested comments on the advisability of pre-emption from a policy point of view and on how pre-emption can be achieved most soundly if it is deemed desirable.

I. The Bill

The Department bill would amend 18 U.S.C. § 1114 to include four new subsections. Subsection (b) directs punishment for murder or manslaughter of whoever kills the President, President-elect, Vice President, Vice President-elect, or any individual who holds any office occupancy of which renders him eligible to act, or who is acting, as President under 3 U.S.C. § 19.

Subsection (c) authorizes imprisonment for life or for any term of years of whoever endeavors or attempts to kill or kidnap any individual designated in subsection (b). Subsection (d) states that whoever kidnaps, or conspires with any other person to kidnap or kill any individual designated in subsection (b), shall be punished as for murder if death results to the individual or by imprisonment for any term of years or for life if death does not result.

Subsection (e) defines the terms "President-elect" and "Vice President-elect" to mean those persons who are the apparent successful candidates for these offices according to the results of the general elections held to determine electors in accordance with 3 U.S.C. §§ 1 and 2.

DS-CRIM/ML # 129-012-3 ENCLOSURE 2



*Burkley note
attached -
see Bonner to
Lofsky*

November 19, 1964

Mr. Gordon Chase in Mr. Bundy's office questioned me this morning in my office concerning the relative position of the Physician to the President in the movements of the President. This inquiry was part of a background investigation for Mr. Bundy who is a member of the committee checking on the findings of the Warren Commission with Mr. Dillon. The relative position of the Physician to the President in my estimation should be in closest proximity as feasible. Theoretically, possibly riding the Presidential vehicle would be best. The only feasible place for this would be in the front seat between the driver and the Secret Service man. The medical bags would have to be carried in that immediate vicinity and could not be put in the trunk due to the fact of the difficulty of getting into the trunk due to the fact of the difficulty of getting into the trunk at the time of emergency. The second area to be considered would be riding permanently in the follow-up car. However, there again the only logical seating position would be in the front seat between the driver and the Secret Service man. However, the rear seat middle position could be used. Positioning in the follow-up car results in over-crowding as there are an average of 8 to 9 Secret Service people in this car on most movements. The most logical positioning would be a car specifically designated for this purpose to be a part of the motorcade which travels with the President on all movements and all emergency movements. This should be immediately behind the follow-up car. This should have a White House Secret Service driver who would know and fully understand the necessity for the movement with the President in case of any emergency. It should be clearly understood by all people concerned including the local police coverage that the first three cars in the motorcade are to be considered as one in case of any emergency movement and should move without any interference. Also, that any local police car should follow the physician's car. The President's Physician should not be in a car with the local police unless this is absolutely unavoidable as many times they are under the direction of the local police and not under the direction of the Secret Service who are running the motorcade and the car might be diverted or might be held up as it has been on occasion. On some occasions I, as Physician to the President, have ridden the lead car which is usually from 50 to 60 feet in advance of the President's car. This is not as advantageous as immediately following the Secret Service car because of the danger of people intervening between his car and the Presidential motorcade.

During the recent campaign activity I was able to maintain this position in the motorcade only by forceful action on my part. On numerous occasions I had to demand a place in the car immediately following the Secret Service car which was that of the local police enforcement agency.

George G. Burkley
G. G. Burkley, M. D.

DD-CRIM/ML # 129-012-3 ENCLOSURE 2 ~~NOV~~ NOV 24 1964