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UNITED STATES SECRET SERVICE
WASHINGTON

June 11, 1964

JAMES J. ROWLEY
CHIEF

(B)
43

Rankin Papers
Box 7
F. 105
Comm,
Legislation

See p 69 for
writing

Mr. J. Lee Rankin
General Counsel
President's Commission on the
Assassination of President Kennedy
Washington, D. C.

Dear Mr. Rankin:

In response to your letter of April 22, 1964,
we forwarded a reply on the same date to the questions
contained therein with the exception of questions
relating to possible legislative changes.

There is attached our reply to these questions #1077
covering legislation.

Very truly yours,

James J. Rowley
James J. Rowley

Attachments

6. Possible Legislative Changes

- A. Whether it would assist the Secret Service in its Presidential protection functions if murder of, or assault upon the President, Vice President, and perhaps other high Government officials should be made a Federal crime?

It is our understanding that murder is a capital offense in all the States and that severe penalties are provided by the States for assault. Thus, the question involves in part the effect of Federal versus State statutes as a deterrent to the commission of a crime. Apart from the deterrent effect, however, existing Federal statutes make it an offense to kill or assault certain Federal officials who hold positions of much less importance than the President, Vice President or other possible successors to the Presidency. It is our view that the reasons which dictated the enactment of the existing provisions as to lesser officials are even more forcefully applicable to the President and his possible successors.

The enactment of Federal legislation would bring the investigation of the crime and the apprehension of the criminals under better Federal control. Such control would appear desirable since the protection of the President, Vice President, or other person next in the order of succession to the Presidency is already a Federal and not a State responsibility. Moreover, any assault against or attempt to take the life of the President may, for example, involve a conspiracy by several persons. The responsibility for Presidential protection requires an investigation of any such assault or attempt in order to assure that

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 With several federal agencies operating/the same area, questions inevitably arise as to the scope of each agency's authority and responsibility. The Secret Service has had the primary responsibility for the protection of the President but others have also had a role to play even though the relationship between them was not well defined. The FBI receives each year a modest appropriation for the protection of the President. On November 22, 1963 there was outstanding a directive of that agency which purported to spell out the procedures which that agency was to follow in connection with information it received in regard to the security of the President. That directive read as follows:

Note

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

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

Not Certain of Origins. See [unclear]

Not Rowley's Staff

According to the testimony of Mr. J. Edgar Hoover, this directive did not compel or even impel the FBI to notify the Secret Service of the information about Lee Harvey Oswald which the FBI had before the President reached Dallas. The record shows that the FBI or its agents knew of Oswald's defection to the Soviet Union; it knew that he had gone to Mexico; that he had been in touch with Soviet and Cuban authorities in Mexico and the Soviet authorities in Washington; knew that he had lied to the FBI agents who had interviewed him; knew that he was employed at the School Book Depository and it must be assumed, knew also the route of the President's motorcade which went by the Depository in Dallas. It is stated in explanation of the FBI's omission to notify the Secret Service of Oswald's presence in Dallas that the FBI had come across nothing in its investigation of Oswald which indicated that he had uttered at any time any threats against the President or shown any dangerous animus against him. Mr. Bouk of the Secret Service felt on the other hand that the accumulation of the facts known to the FBI should have constituted a sufficient basis to warn the Secret Service of the Oswald risk.

At the same time, the Secret Service had no knowledge whatever of Oswald or his background.

The FBI is not charged with the physical protection of the President, yet, as has been pointed out, it does have an assignment, as do other Government agencies, in the field of preventive investigation in regard to the President's security. The Secret Service has responsibility, and exercises it, in both the field of the physical protection of the President and preventive investigation.

The Commission believes that both the FBI and the Secret Service have too narrowly construed their respective responsibilities. The Commission has the impression that too much emphasis is placed by both on the

Useful for Hostage Chapter