

FOR RELEASE ON DELIVERY 9:00 A.M. THURSDAY, MARCH 13, 1975

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DEPARTMENT OF THE TREASURY
BEFORE
THE SUBCOMMITTEE ON GOVERNMENT INFORMATION
AND INDIVIDUAL RIGHTS OF THE
COMMITTEE ON GOVERNMENT OPERATIONS
ON
THE PROTECTIVE INTELLIGENCE OPERATIONS OF THE
UNITED STATES SECRET SERVICE
MARCH 13, 1975
9:00 A.M.

Madame Chairwoman and Members of the Subcommittee:

I am pleased to appear before this subcommittee today to discuss the protective intelligence mission of the United States Secret Service and to address myself particularly to those records maintained by the Secret Service which are necessary to the accomplishment of its protective role, not only of the President and his family, but of other protectees of the Service, including the Vice President and "major" Presidential candidates.

I have with me today, and would like to introduce to you, two other gentlemen who can be of assistance in discussing the protective intelligence operations of the Secret Service: Mr. J. Robert McBrien, Special Assistant for Special Legislation and Projects, of my office and Mr. Thomas J. Kelley, Assistant Director for Protective Intelligence, United States Secret Service.

I. History of Development of Threat Criteria

Following the assassination of President Kennedy, the Warren Commission reviewed the Secret Service procedures and found them to be inadequate. The Secret Service, the FBI and other agencies were criticized for insufficient exchange of information and for having too narrow an interpretation of the term "threat." The Service was also faulted for its lack of an adequate investigative staff, its inability to process large amounts of data, and its failure to provide other agencies with specific descriptions of the kind of information it sought.

Based on these inadequacies, the Warren Commission recommended the complete overhaul of protective intelligence, stating:

"(a) The Secret Service should develop as quickly as possible more useful and precise criteria defining those potential threats to the President which should be brought to its attention by other agencies. The criteria should, among other additions, provide for prompt notice to the Secret Service of all returned defectors.

(b) The Secret Service should expedite its current plans to utilize the most efficient data-processing techniques.

(c) Once the Secret Service has formulated new criteria delineating the information it desires, it should enter into agreement with each Federal agency to insure its receipt of such information." ¹

Addressing itself then to the criteria for defining "threats" to the Presidency, the Warren Commission at the same time recognized both the need for a "threat profile" and the difficulties in developing criteria for such a profile:

"Since the assassination, both the Secret Service and the FBI have recognized that the protective files can no longer be limited largely to persons communicating actual threats to the President.... The FBI has circulated additional instructions to all its agents, specifying criteria for information to be furnished to the Secret Service in addition to that covered by the former standard, which was the possibility of an attempt against the person or safety of the President. The new instructions require FBI agents to report immediately information concerning:

Subversives, ultrarightists, racists and fascists (a) possessing emotional instability or irrational behavior, (b) who have made threats of bodily harm against officials or employees of Federal, state or local government or officials of a foreign government, (c) who express or have

¹/ Report of The President's Commission on the Assassination of President Kennedy ("Warren Commission Report") p.26 (1964).

expressed strong or violent anti-U.S. sentiments and who have been involved in bombing or bomb-making or whose past conduct indicates tendencies toward violence, and (d) whose prior acts or statements depict propensity for violence and hatred against organized government....

"In June 1964, the Secret Service sent to a number of Federal law enforcement and intelligence agencies guidelines for an experimental program to develop more detailed criteria. The new tentative criteria are useful in making clear that the interest of the Secret Service goes beyond information on individuals or groups threatening to cause harm or embarrassment to the President. Information is requested also concerning individuals or groups who have demonstrated an interest in the President or 'other high government officials in the nature of a complaint coupled with an expressed or implied determination to use a means, other than legal or peaceful, to satisfy any grievance, real or imagined.' Under these criteria, whether the case should be referred to the Secret Service depends on the existence of a previous history of mental instability, propensity toward violent action, or some similar characteristic, coupled with some evaluation of the capability of the individual or group to further the intention to satisfy a grievance by unlawful means...."

The Warren Commission then concluded:

"While these tentative criteria are a step in the right direction, they seem unduly restrictive in continuing to require some manifestation of animus against a Government official. It is questionable whether such criteria would have resulted in the referral of Oswald to the Secret Service."

Examining these new efforts to broaden the areas of protective inquiry while more selectively specifying the indicators of potential threats, the Warren Commission determined:

"It is apparent that a good deal of further consideration and experimentation will be required before adequate criteria can be framed. The Commission recognizes that no set of meaningful criteria will yield the names of all potential assassins. Charles J. Guiteau, Leon F. Czolgosz, John Schrank, and Giuseppe Zangara -- four assassins or would-be assassins -- were all men who acted alone in their criminal acts against our leaders. None had a serious record of prior violence. Each of them was a failure in his work and in his relations with

others, a victim of delusions and fancies which led to the conviction that society and its leaders had combined to thwart him. It will require every available resource of our Government to devise a practical system which has any reasonable possibility of revealing such malcontents."

The history of the protective mission since the Warren Commission report has been a series of attempts to define further the characteristics of potential threats to its protectees. Under the aegis of the President's Office of Science and Technology continuing efforts to define criteria have been attempted. The assistance of the best minds in the field of behavioral science has been sought and received.

The Secret Service's present and past practices of maintaining intelligence files have been reviewed by these scientists in an effort to provide an objective scientific basis for the decision-making responsibilities placed upon the Secret Service in this area of prediction. Most recently, a study made by an independent company in 1969, concluded that the Secret Service should not remain preoccupied with a search for a fixed set of what might be termed "criteria for all seasons;" since such criteria do not exist in any authentic sense.

Nevertheless, an examination of identified assassins has revealed that they do possess some traits in common, although many other persons who are apparently harmless possess these same traits. One of the principal threads that runs through assassins of Presidents or other protectees is a history of mental instability; but, of course, it cannot be stated that all persons who have had a history of mental illness are potential assassins. History also shows that these unstable individuals are accurately characterized, for lack of a better term, as "losers in life" who fail in their work and in their interpersonal relationships. Yet we also know that not all such persons are potential assassins or otherwise of protective interest.

A third characteristic which I must draw to the attention of this subcommittee is that virtually every prior presidential assassin has a history of political activities which might be termed "radical" for lack of a better definition. In your letter requesting our appearance today, Madame Chairwoman, you referred to the alleged maintenance of files on individuals "whose political activities, not their potential threat to the lives of government officials" have caused their inclusion. We can honestly assert that the protective intelligence files of the Secret Service are not created to list political dissidents nor are political dissidents included in it simply because they are political dissidents. Unfortunately, however, it is a reasonable and accurate conclusion that, among other criteria, political activities may be significant in determining whether an individual is of protective interest.

Despite his probable mental imbalances, John Wilkes Booth was definitely seeking to achieve political aims when he shot President Lincoln. The mental instability of President McKinley's killer was real but it manifested itself through his radical political belief in anarchism and the virtue of removing an "enemy of the people." The man who killed Mayor Cermak of Chicago while attempting to assassinate President Franklin D. Roosevelt, was also characterized by his political activities and anarchistic beliefs.

In 1950, when two members of the Nationalist Party of Puerto Rico attempted to shoot their way into Blair House to kill President Truman, their acts were politically motivated. Again, when five members of Congress were gunned down on the floor of the House in 1954, the four gunmen were political activists seeking Puerto Rican independence.

Lee Harvey Oswald was another assassin characterized by some mingling of his emotional instability with extreme political beliefs. Sirhan Sirhan was also a nationalistic political zealot with mental problems.

The point is that among the other criteria used for determining real threats to the Presidency, a propensity to self help through radical political action can be significant as a determinant of the Secret Service's protective interest. Moreover, I should make clear to this subcommittee that we consider the Secret Service protective mission to include the protection of the functioning of the President in his official duties as well as the protection of his life and physical safety. Thus, persons who lie down in the White House or make an unannounced, impromptu speech at a formal State dinner attacking a visiting foreign Chief of State might well be included in the list of persons who interfere with the Office of the Presidency and should therefore be screened from gatherings of this sort. This is analogous to the task of the Capitol Police in attempting to screen from the Galleries of the two Houses of Congress those persons who are likely to create disturbances or wave flags. The Secret Service has also, in good faith, considered that the Presidency should be protected against the obloquy of unintentional association at speakers' tables or elsewhere with organized crime figures or other figures, where he may be held up to hatred, ridicule or contempt. To a limited degree the Secret Service has traditionally attempted to keep the President and other protectees from being associated in the public mind with this category of person, and thus, demeaning the office which the protectee holds.

II. Safeguarding Protective Files

The information analyses made by the Secret Service screen out around 90% of those persons submitted for inclusion in the protective list. The regular reviews of the established files, to be discussed below, further contribute to the elimination of names included in the list.

Moreover, as to the protective list itself, presently including about 47,000 persons of some protective interest, safeguards have been established that we believe protect the public interest. The subcommittee should understand that approximately 111 calls and letters per month are directed at the White House alone which might be characterized as beyond the level of rational criticism and containing personal invective and menacing or abusive statements.

A. Access to Information from Protective Intelligence Files

The protective intelligence files of the Secret Service are maintained to assist the Service in protecting the lives of the President and other protectees, such as Presidential candidates and foreign Chiefs of State, and in providing them with a secure environment in which to carry out the offices they hold. This is the only use of these files.

They are not mingled with other files such as ordinary criminal histories. There is no access to these files by any agency for criminal investigating or other purposes. They are not part of any multi-agency computer system and cannot be queried by either the National Crime Information Center (NCIC) of the FBI or Treasury's own Treasury Enforcement Communications System (TECS). Within the Secret Service itself, access is strictly controlled by personnel of the Protective Intelligence Division.

I believe it is important to note that these tight restrictions apply equally to the input of data into the files of the Secret Service. Input, like retrieval, is now the exclusive domain of the Protective Intelligence Division of the Secret Service.

While the Secret Service carefully safeguards the confidentiality of its protective intelligence files, it still cooperates with the FBI or other agencies responsible for investigating or preventing the implementation of threats against officials who are not protectees of the Service. When, as a result of a threat by an individual, another government agency identifies a potential assailant, protective intelligence information derived from the Secret Service's files will be made available, providing that the Secret Service is satisfied that the request is genuine. Certainly, it would be unconscionable for the Secret Service to refuse to provide information to another security or investigative agency when such information might help prevent the carrying out of a threat. In such circumstances, the potential harm to the threatened person and society is exponentially greater than the perceived invasion of the personal privacy of the file subject.

The Secret Service does not allow access to its protective intelligence files by the subjects of those records. For those who are listed because of terroristic or other illegal "political" activities, access would help them to know the nature and extent of the Secret Service's knowledge about them. In many cases, it would be injurious to the protective mission if the existence of files on them were acknowledged. For both the criminal and the protectable person, access would necessarily lead to knowledge of the sources of the Secret Service's information, thus endangering their effectiveness and intelligence operations and confidential sources including co-workers, friends and relatives.

Generally, the individuals of protective interest are aware of the Secret Service's interest in them because of personal interviews conducted with them. A person makes an overt threat in violation of the Espionage Act, U.S.C. criminal prosecution may follow and the defendant has the necessary information to mount a defense in charge.

This denial of access to the files of the Secret Service is crucial in the protection of the intelligence files and in safeguarding the protective mission. Without such denial of access, the protective intelligence system will suffer in the poor quality of information, in compromised confidential sources, in the inability to protect persons of protective interest, and from interference with the intelligence system by individuals claiming access to the intelligence files. Most of the persons carried in the intelligence files have a mental aberration. Knowledge of their activities, their programs, etc., come from hospital authorities, friends, family witnesses to their actions. Many times this is as a result of conversations where it is impossible to hide the identity of informants. Sources of information must be developed, questioned, and answers recorded. Trust must be earned and confidence must be maintained. Allowing access to information of this kind may well lead to a tragic event such as the mentally disturbed individual attacking the informant.

B. Updating & Purging

The second protective safeguard employed by the Secret Service is the criteria for updating and purging files.

Following the assassination of President Kennedy, the Protective Research Section was reorganized and renamed the Intelligence Division.

One of the first projects was a complete review of the files and the master index in the division. All files which did not contain investigative reports were destroyed as were all index cards relating to that file. At the same time all files were recalled from the Federal Records Center and were reviewed, using the same criteria. By 1965, the initial review was completed and the master index was reduced to approximately half of its 1963 volume of 500,000 index cards.

In 1966, two special reviews were conducted. All files were recalled from the Truman Library (approximately 8,000) and reviewed. Approximately 1,000 of those files were reactivated and 7,000 destroyed. Also, the Kennedy assassination file was reviewed. This file included some 5,000 subjects whose names had been recorded as a result of the extensive federal investigation of the case. Most of these names were found to have no connection with the assassination, and the names were deleted from Secret Service indices.

Although Secret Service reviews since the assassination in 1963 have enabled them to destroy a large number of cases, during this same period they were establishing many cases as a result of the receipt of telephoned and mailed threats received at the White House, and the increased amount of material sent by other agencies, principally the FBI. Most of the material sent by the FBI was retained, and cases were opened on numerous subjects who fit the profile of "another Oswald" but where no overt threats had been made. Many of the files were established in the expectation that scientific behavioral analysis techniques would provide us with a profile of a potential assassin.

During 1967, the Service reviewed the entire file again to determine which cases would be included in the then new computer system. At that time, all cases in which insufficient data for analysis had been obtained were either destroyed or referred to the field for completion of the investigation. A review of the master index was also made during that year; and it was purged of all extraneous material, so that only index cards relating to existing file jackets remained.

When the PRS was reorganized, the Secret Service attempted to investigate all information which was received if it decided to retain the information permanently in its files. In the early days of the Intelligence Division, however, it was not practicable to do this because of limited resources and indecision on the method and possibility of scientific analysis. Consequently, the Service established an "innocuous file" in which reports or letters were maintained but where no investigation had been conducted by the Service. This file was reviewed annually and cases were destroyed,

but it continued to grow until at one point the file consisted of 7,000 case jackets.

This file was reviewed and eliminated entirely in 1970. Our position since 1970 is that, exclusive of information which is filed temporarily and reports from other agencies handled by the Special Intelligence Branch, all material is referred for investigation before a decision is made on its retention.

Various other reviews have occurred from 1970 to the present with the continuing elimination of unnecessary files as one objective. All of these changes and improvements originate with the efforts of the Secret Service to improve its protective intelligence capabilities along the lines recommended by the Warren Commission:

"Unless the Secret Service is able to deal rapidly and accurately with a growing body of data, the increased information supplied by other agencies will be wasted. [The Intelligence Division] must develop the capacity to classify its subjects on a more sophisticated basis than the present geographic breakdown. Its present manual filing system is obsolete; it makes no use of the recent developments in automatic data processing which are widely used in the business world and in other Government offices.... The Commission further recommends that the Secret Service should not and does not plan to develop its own intelligence gathering facilities to duplicate the existing facilities of other Federal agencies. In planning its data processing techniques, the Secret Service should attempt to develop a system compatible with those of the agencies from which most of its data will come."

The Intelligence Division has an on-going review of all cases to determine which names can be eliminated from its files. A built-in tickler in the Data System Division enables the Secret Service to determine the length of time a name remains in the system without review. When these files are reviewed, a decision is made whether the subject of the file warrants additional inquiry to determine further the extent of protective interest.

Through a computerized review process in January of each year, all Intelligence Division files are reviewed except those on which some new information has been received or those which are, or have been, the

subject of quarterly investigations. If the abstract does not reflect that there has been any action in the past five years, the file is reviewed to ascertain whether the Secret Service has a continuing protective interest in the subject. If the decision is made that no protective interest still exists, the file is destroyed and the name removed from the computerized index.

In addition, every two years the Service reviews its files by means of a computer printout to determine which cases may be deleted due to advanced age, lack of activity of the subject or changing circumstances. We consider the review and deletion system to be a good one in that all names in the system are subject to an on-going review which removes from the Intelligence Division index those people who are no longer of protective interest to the Secret Service.

The continually improving process of review and deletion is not simply a by-product of improving the accuracy and rapidity of retrieval of data from the protective intelligence files. Instead, an important goal of the protective mission of the Secret Service is to maintain as small a file as possible in order that its resources can be concentrated efficiently to perform its mission.

C. Use of Protective Intelligence Files

As a result of the Warren Commission's recommendation for the utilization of sophisticated data-processing techniques, the indices and files of the Protective Intelligence Division began being recorded by means of a computer system in 1967. Since that time, the system has been under continual internal review and improvement. The results to date have produced computerized indices relating to the protective intelligence mission:

- (1) White House and Executive Office Building Pass System Index (includes press and employees in White House complex).
- (2) Tradesmen System Index (workers cleared for entry to the White House complex on a regular basis).
- (3) Temporary Index of workmen in the White House complex on an ad hoc basis.
- (4) Temporary Index of suicide threats or similar data on people where protective interest has not yet been determined (retained for six months).

- (5) Event System Index (Persons coming to Secret Service attention during a trip or visit of a protectee. No investigation conducted yet).
- (6) Protective Intelligence Index (Persons determined to be of protective interest.)

I should also distinguish between our protective files index and the Criminal Record History System index of all persons arrested by the Secret Service for counterfeiting, forgery and other related crimes. They are two separate systems which are not co-mingled.

III. Interagency Cooperation

Before closing, I should mention the results of another primary recommendation of the Warren Commission: that the Secret Service markedly improve its coordination with other agencies and enter into formal agreements to insure that the enforcement and intelligence communities provide the Secret Service with the information it needs.

In response to that recommendation, the Secret Service and other Federal agencies have increased their coordination for the development of protective intelligence. The arrangements with investigative and intelligence agencies have been formalized with written agreements. Thus, today these agencies are furnished by the Secret Service with detailed descriptions of what is sought, the manner in which it should be provided and the respective responsibilities for any further actions that may be required. In return, the Service receives a mass of unevaluated material based on the criteria it has set.

Since this great volume of information provided as a result of the Service's request-criteria is raw data, the Secret Service alone has the responsibility of evaluating its usefulness as protective intelligence. I think it is to the great credit of the Secret Service that of the mass of information it receives from other agencies and then processes to cull out those persons not of protective interest, only 10% is retained in the intelligence files.

CONCLUSION

Madame Chairwoman, I hope my testimony today has contributed to a better understanding by this subcommittee of the protective intelligence policies and operations being performed by the Secret Service. The Treasury Department and the men and women of the Secret Service are aware of your concern that the improper use of protective intelligence information could result in wrongful infringement of individual rights. The Warren Commission was equally cognizant of the potential for abuse in these intelligence collection and evaluation methods. But, like the members of the Warren

Commission, we also believe that their recommendations and the Secret Service's accomplishment of those proposals have greatly advanced the security of the President, presidential candidates and other protectees without any impairment of fundamental liberties.

We are committed to using the best means available to assure the American public that our political machinery and the character of this nation will not again be sullied by assassinations or by intolerable restrictions on the opportunity for the President or for Presidential candidates to reach out to and communicate with people personally rather than impersonally by television or radio. As the personal liberties of individual citizens are precious, so is the openness and stability of our political system. As there is a right to privacy, so there is a right to domestic tranquillity. As individuals have the right to express themselves, so the public has the right to expect from its elected officials uninterrupted, effective service free from concern for physical safety or obstruction. In balancing these considerations, I believe that the use by the Secret Service of its intelligence system to safeguard the President and other protectees has been, since the Warren Commission report, the satisfactory performance of an awesome mission, the failure of which could have catastrophic results. In its management of the sensitive problems of acquisition, evaluation and use of protective intelligence, the Service is attempting to guarantee the maintenance of a secure government and political system; one protected from the destructive whims of those persons who are committed to illegal solutions to their actual or pretended grievances. In accomplishing this task, the Secret Service deserves our support.

That concludes my statement, I will be pleased to respond to any questions you may have.