

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

IN RE GRAND JURY SUBPOENA )  
                               ) Misc. No. 98-148 (NHJ)  
                               )  
                               ) FILED UNDER SEAL

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**DECLARATION OF LEWIS C. MERLETTI  
DIRECTOR, UNITED STATES SECRET SERVICE**

Introduction

1. I, Lewis C. Merletti, serve as the Director of the United States Secret Service (the "Secret Service"), an executive branch, law enforcement bureau of the Department of the Treasury. As Director of the Secret Service, it is my ultimate responsibility to protect the life and safety of the President of the United States.

2. I submit this declaration in support of the Opposition of the United States to the Independent Counsel's Motion to Compel the testimony of two United States Secret Service Uniformed Division Officers regarding what they and other Secret Service personnel might have witnessed while they were protecting the President, as well as to compel the testimony of the Chief Counsel of the Secret Service regarding information he may have obtained from these two officers. In response to the Independent Counsel's motion, I hereby state for the record that I have not been directed by the President of the United States or anyone at the White House regarding this opposition to the Motion to Compel or even regarding the general issue of the protective function privilege. Nor have I consulted with the President or the White House regarding this issue. Rather, it is my firm belief, as Director of the United

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States Secret Service, that using Secret Service protective personnel as witnesses concerning the activities of a President will substantially undermine, if not destroy, the relationship of confidence and trust that must exist between the Secret Service and a President for the Secret Service to successfully fulfil its mission. If our Presidents do not have complete trust in the Secret Service personnel who protect them, they may push away the Service's "protective envelope," thereby making them more vulnerable to assassination. Because I believe that the Independent Counsel's Motion to Compel represents a threat to the safety of this and future Presidents, I respectfully request an opportunity to be heard in person on this subject, so I can describe the imperative need for a protectee to have a relationship of complete and absolute trust with Secret Service personnel performing their protective function. Moreover, there are certain details that I believe are relevant to the Court's analysis that, while not easily and appropriately included in a written submission, can be presented in an oral, sealed presentation to the Court.

Background

3. I was appointed Director of the Secret Service on June 6, 1997. Before joining the Secret Service, I served three years in the United States Army, including a one-year tour of duty with the 5<sup>th</sup> Special Forces Group in Vietnam. Since leaving the Army, I have served as a career Secret Service Special Agent for more than

23 years. My appointment as the 19th Director of the Secret Service continued the long-standing tradition that the lead executive of our agency is selected from within the ranks of our career special agents. I was appointed to the Service on November 25, 1974, and have had the honor of serving for Presidents Gerald Ford, Jimmy Carter, Ronald Reagan, George Bush, and Bill Clinton. During the course of my career, I have held numerous operational and supervisory positions in the Secret Service. Within the Secret Service, the units with primary responsibility for protecting the life of a President are the Presidential Protective Division ("PPD") and the Secret Service Uniformed Division ("Uniformed Division" or "UD"). I have been assigned to the Presidential Protective Division under Presidents Reagan, Bush, and Clinton.

4. I first worked as a PPD Special Agent from February 19, 1984 through December 6, 1986. I was promoted to the Assistant Special Agent in Charge on January 7, 1988, and served in that capacity through March 23, 1991. I served as Deputy Special Agent in Charge from March 20, 1994 until my appointment on September 3, 1995 as the Special Agent in Charge ("SAIC") for the Presidential Protective Division. I served as the Special Agent in Charge for the Presidential Protective Division during the period September 1995 through February 1997. For the period from February 1997 through June 1997, just prior to being appointed Director of the Secret Service, I was the Assistant Director in charge of all Secret Service training functions.

5. In my current capacity as Director, I am responsible for supervising all aspects of the Secret Service's mission, including the agency's protective, as well as criminal investigative, functions. As Director, I oversee all administrative and operational components of the Secret Service, and I am accountable for the successful completion of all of the Service's functions. Moreover, in light of my more than two decades of experience at the Secret Service -- including most prominently my experience serving on the Presidential Protective Division in close proximity to Presidents Reagan, Bush, and Clinton -- I can describe first-hand the protective operations of the Secret Service, the truly extraordinary relationship of trust and confidentiality that must exist between the Service and the Service's statutory protectees, and the grave, and, in my view, unacceptable, risk that would ensue if this relationship of trust and confidentiality were to be compromised.

6. It is my belief that an explanation of the history of the Secret Service, its statutory responsibilities and structure, and the relationship that must exist between the Secret Service and its protectees, will assist the Court in assessing whether to grant the Independent Counsel's Motion to Compel.

History of the Secret Service's Protective Philosophy

7. Unlike many foreign protective agencies, the Secret Service has developed a protective envelope philosophy emphasizing a "cover and evacuate," as opposed to a "counter-offensive," method of

protection. Under the cover and evacuate method, agents and officers surround each protectee with an all-encompassing zone of protection on a twenty-four hour a day, 365-day a year basis. As I will explain below, our protective philosophy relies on complete and unquestioned access and proximity to our protectees, particularly the President. The Secret Service has developed its protective envelope method of protection from bitter historical experience.

8. The assassination of the President of the United States is, quite literally, a cataclysmic event in world history. It is also, of course, the worst possible incident that can occur on the Secret Service's watch. For this reason, it is the practice of the Secret Service to review and assess all assassination attempts, wherever and whenever they occur. Indeed, in an effort to stress the critical importance of our protective envelope theory of protection, we teach our protective personnel about America's historical experience with assassinations and assassination attempts.

9. The Secret Service was created on July 5, 1865, as the first general law enforcement agency within the federal government. During the period from the end of the Civil War through 1901, three presidents were assassinated: President Abraham Lincoln on April 14, 1865, President James A. Garfield on July 2, 1881, and President William McKinley on September 6, 1901. In retrospect, the assassination of President McKinley has served as a watershed

moment in the history of the Secret Service and demonstrates the overwhelming need for the Service to maintain close proximity to the President at all times.

10. On September 6, 1901, President McKinley attended the Pan-American Exposition. As we understand from historical records, a receiving line was set up for members of the public to greet the President. By prior arrangement, a Secret Service agent was to stand directly by the President's side as he greeted the public. At the request of the president of the Pan-American Exposition, who wished to be standing next to the President, the Secret Service agent was moved away from President McKinley's side. According to our understanding, it was only a matter of minutes before President McKinley was shot at point-blank range. Given the nature of this assassination -- with the assailant approaching the President with his hand wrapped rather obviously in a handkerchief in an attempt to hide his gun -- there is a substantial likelihood that an agent or officer within close proximity of the President would have averted the assassination. This was the first, but unfortunately not the last, example of an assassination occurring after the Secret Service was moved away from a protectee.

11. I have attached, as Exhibit A to this Declaration, photographs of President John F. Kennedy's visit to Tampa, Florida on November 18, 1963. We use these photographs, and the ones attached as Exhibit B, in our training exercises. Exhibit A demonstrates the lengths to which protective personnel have been

forced to go to try to maintain proximity to the President. In the photographs contained in Exhibit A, agents are kneeling on the running board of the Presidential limousine while the vehicle was traveling at a high rate of speed. I can attest that this requires extraordinary physical exertion. Nevertheless, they performed this duty in an attempt to maintain close physical proximity to the President. Exhibit B, by contrast, scarcely needs any introduction. It is a series of photographs of the Presidential limousine, taken just four days later, on November 22, 1963, in Dallas, Texas. As can be seen, at the instruction of the President, Secret Service agents had been ordered off of the limousine's running boards. An analysis of the ensuing assassination (including the trajectory of the bullets which struck the President) indicates that it might have been thwarted had agents been stationed on the car's running boards. In other words, had they been able to maintain close proximity to the President during the motorcade, the assassination of John F. Kennedy might have been averted. Exhibit C contains a series of photographs taken during the actual assassination that demonstrate how critical and tragic the absence of proximity to the protectee can be.

12. One need only contrast the successful assassinations of Presidents McKinley and Kennedy with the unsuccessful assassination attempt on President Reagan to understand that unfettered close proximity to the President can, quite literally, mean the difference between life and death. As Exhibit D demonstrates, the

Secret Service's protective envelope was in place on March 30, 1981, when John Hinckley attempted to assassinate President Reagan. As our analysis of the assassination attempt demonstrates, the assassination was prevented because the Secret Service was in close proximity to the President and immediately shielded the President's body and pushed him into the awaiting limousine. One agent in particular, Agent Tim McCarthy, acted as a human shield, positioning his body to intercept a bullet intended for the President. At the same time, Special Agent In Charge Jerry Parr, positioned immediately behind the President, literally maneuvered President Reagan from a standing position into the backseat of the Presidential limousine. Immediately thereafter, SAIC Parr covered the President's body with his own, as the limousine sped away. As this episode demonstrates, close proximity to the protectee is an absolute necessity if the Secret Service is to succeed in protecting the life and physical security of a President. Indeed, it is no exaggeration to say that the difference of even a few feet between a President and his protective detail could mean the difference between life or death.

13. As I will be able to explain more fully if I am given the opportunity to personally address the Court, the Secret Service's method of protection contrasts dramatically with philosophies shared by other protective agencies throughout the world. Some of those agencies place great emphasis on the aggressive "overwhelm the attacker" or "counter-attack" method, and less emphasis than

the Secret Service on maintaining close proximity to the protectee. Again, if given the opportunity to address the Court, I will provide graphic examples of world leaders who have been assassinated by people who have managed to get in close proximity to them. I provide these examples to stress my basis for believing that maintaining close and unfettered access to our protectees is of the utmost importance to the national security of the United States.

Statutory Responsibilities and Structure

14. The Secret Service's responsibility to protect the life of a President is codified in federal statute. Pursuant to title 18, United States Code, section 3056 (18 U.S.C. § 3056), the Secret Service is mandated by law to protect this nation's highest constitutional officers, including the President and Vice President and, when applicable, the President-elect, and the Vice President-elect. By the express language of 18 U.S.C. § 3056(a), these individuals may not decline the statutory protection mandated by Congress. The Secret Service is also charged with the protection of the immediate families of the President and Vice President, former Presidents and their families, and the major Presidential and Vice Presidential candidates and, within 120 days of a Presidential election, their spouses. Likewise, pursuant to 18 U.S.C. § 3056, the Secret Service is responsible for protecting visiting heads of foreign states or governments, other distinguished visitors to the United States, and official

representatives of the United States performing special missions abroad.

15. The protection of a President and the First Family necessarily involves ensuring that the White House Complex is at all times completely secure. Pursuant to title 3, United States Code, section 202 (3 U.S.C. § 202), the United States Secret Service Uniformed Division is charged with protecting the President and the White House Complex. Uniformed Division officers form an integral part of a President's protective envelope as he moves both within the White House Complex, and in protective movements outside the White House Complex. Indeed, UD officers do not always work in uniform and, as a result, may appear to be indistinguishable from other protective personnel. Among other things, officers of the Uniformed Division secure the protective perimeter and interior of the White House Complex, operate specialized protective function units such as the Counter Sniper unit and the Emergency Response Team, and play an integral role in contingency plans to clear routes required for the immediate relocation of a President in case of an emergency or attack upon the White House Complex. In addition, UD officers travel with a President to provide protective support. In short, PPD agents and Uniformed Division officers combine to form a moving protective perimeter surrounding a President at all times. I have previously alluded to the extraordinary lengths to which the Secret Service will go to maintain this proximity to a President. Indeed, agents will even

wear disguises so that they can unobtrusively stand next to, or near, a President. As Exhibit E 1 through 3 demonstrate, agents have dressed as major league umpires, soldiers, engineers, academics, and priests, in an effort to achieve seamless proximity to a protectee regardless of the context. Moreover, as Exhibit E 4 through 7 reflect, Uniformed Division Officers, both in uniform and in business attire, similarly conduct their duties proximate to the President's person. In fact, as these photos reflect, at times Uniformed Division Officers are positioned most proximate to the President. As a result, wherever a President is located, the Presidential Protective Division and Uniformed Division must be prepared to instantaneously react to protect him in case of attack. This applies with equal force within the White House, where personnel must be able to provide cover for and perhaps relocate a President within seconds of any threatening event within the White House Complex. As history has demonstrated, there have been attempts to encroach upon the White House Complex both by air and by land. Indeed, in 1950, Leslie Coffelt, a member of the White House Police (the predecessor to the current Uniformed Division) lost his life while thwarting the attempted assassination of President Harry Truman, at a time when President Truman was residing at the Blair House.

16. The Secret Service's statutory responsibilities are carried out by various organizational components. All of these organizational components work together to provide a complete 24-

hour-a-day, 365-day-a-year protective envelope surrounding our protectees. I have already noted that a President is protected by the Presidential Protective Division as well as officers from the Uniformed Division. Other Secret Service protective personnel, such as highly trained technical support personnel providing explosives detection, audio countermeasures, and bio-hazard and other threat countermeasures, will also have occasion to be near or in the presence of a President. The large contingent of agents and officers who protect a President is provided with specialized integrated training that is literally unparalleled in terms of rigor and detail. Much of the training provided to UD officers (from firearms to medical training) is identical to that provided to PPD agents. Agents and officers of the PPD and UD participate together in unique simulated crisis training scenarios. These exercises present Secret Service personnel with a variety of emergency situations involving Secret Service protectees. Agents and officers are trained how to be ready to react properly, and in close conjunction with one another in times of emergency. Because agents of the PPD and UD officers must remain alert at all times, their ranks are constantly shifted. Both the PPD and UD provide 24-hour protection to a President by operating in a series of structured shifts. However, the specific duties of each Secret Service agent or officer assigned to a shift do not remain static. So as to maximize the greatest protective vigilance, many special agents and officers within a shift periodically "push" (or move) to

the next in a series of assignments. Without providing specific details, this fluid nature of the protective envelope and specific protective tasks necessarily implies that, for example, an agent may be just outside the Oval Office at the commencement of a shift, and at a more remote post at the end of a shift.

17. As should be clear, the protection of a President is only accomplished through the coordinated efforts of scores of dedicated Secret Service protective personnel. As such, the protective envelope that the Secret Service maintains around a President is effective because it has many overlapping and interlocking functions. Each of these functions and tasks is critical to the accomplishment of the mission, whether a President is within the security perimeter of the White House Complex, or traveling to a remote site. And underlining all these protective efforts is a simple proposition: the Secret Service cannot keep a President safe if its agents or officers are not close to him, and to be welcome in such close proximity to a President, they must enjoy his unqualified trust.

#### The Protective Relationship

18. With this background in mind, I will attempt to explain the extraordinarily unique relationship that must exist between the Secret Service and a Presidential protectee. Having served on the PPD's of Presidents Reagan, Bush, and Clinton, I can describe this phenomenon in specific detail. There must be an atmosphere of complete trust between a President and his protective detail. This

level of trust and confidence cannot be overestimated. For the Secret Service to fulfill its mission, the very movements of a President frequently must be cleared by the Special Agent in Charge of the PPD. Thus, the SAID must, at any given moment, quite literally be in a position to put his hands on the hips of a President to move him in a particular direction out of harm's way. Indeed, to ensure the safety of a President, the SAIC must have the complete discretion to initiate physical contact with a President at any time. We are trained in what we call "hands on" pivotal body mechanics. Stated simply, this means that, any time it becomes necessary to do so, we are trained to grab a President's pelvis and hips to shift him in the desired direction. I have attached, as Exhibit F, a variety of photographs demonstrating the Service's "hands on" approach to protection. By the same token, the level of trust must be so great that a President will be willing to change his entire travel plans if the SAIC deems it necessary to do so. Without revealing any confidences, I can state that certain events, stops, and, indeed, entire Presidential visits have been canceled, when the security of a President could not be guaranteed. Indeed, a President must rely on the Secret Service to decide such things as when and where he can safely exit his presidential limousine and which routes he can safely take on foot. We would have great difficulty protecting a President's safety if we did not have his complete confidence where matters of technical security are concerned.

19. A trusting and confidential relationship with a President, and the physical proximity permitted by that relationship, is also crucial to the Secret Service's ability to assess and react promptly to signs of physical distress. On more than one occasion, a President has encountered medical difficulties that were recognized by members of the Secret Service either because the protective personnel were familiar enough with the President to understand the symptoms or because it was obvious that the President was having a medical problem. In one publicized instance, on September 15, 1979, President Carter was participating in a ten kilometer race in Catoctin Mountain National Park when it became apparent to the Secret Service protective personnel that the President was having difficulty running. One agent was so close that he was able to grab and steady the President as the President began to falter. I have attached as Exhibit G a photograph depicting this incident. In another instance, a member of the Secret Service recognized a President exhibiting signs of medical difficulty. The Secret Service protective employee who recognized the problem was able to do so because of the close and constant proximity he had over a long period of time with the President. This relationship enabled the employee to alert a physician towards what ultimately turned out to be a medical situation requiring treatment. Accordingly, the proximity of the Secret Service to a President is necessary in times of medical emergency, as well as emergencies stemming from outside threats.

20. It has been my experience, serving on the protective details for three different Presidents, that each incoming President demonstrates an initial tendency to resist the close protective envelope in which we want to place him. Even though maintaining close proximity is particularly crucial during a transition period, it has been my experience that each incoming President does not sufficiently appreciate the risks he is facing. Quite naturally, they tend to view Secret Service personnel (both inside and outside of the White House) as an obstacle to their privacy and a barrier between them and the American people. For this reason, a natural educational process must take place, during which the Special Agent in Charge must convey how essential proximity is. This is true even for those Presidents who have already had Secret Service protection in a prior capacity. After all, although the protection afforded all of our protectees is rigorous, the President of the United States receives a level of protection that is unparalleled in terms of both intensity and scope. This process is already exceedingly difficult; it would be dramatically compounded if protectees were given reason to be concerned that protective personnel might be called upon to testify about what they were able to see or hear while in such close proximity to their protectees.

21. During my years working on the Presidential Protective Division, I have heard and observed innumerable confidences of the most sensitive nature, regarding both matters of state as well as

matters of a personal nature to my protectees. It was at all times my understanding that I would maintain absolute secrecy regarding any and all confidences that I learned in my capacity as a member of the Secret Service in close proximity to a President. Indeed, this was also the clear understanding of my protectees. I have a distinct recollection of having been next to one President when he was being briefed on troop movements in the midst of a war. Before speaking, the aide expressed concern about expressing such highly sensitive, highly classified information in my presence. But the President assured the person that I would maintain complete silence over everything I heard, and the briefing went forward without further interruption. I can recall similar episodes when I overheard or observed details of a highly personal nature because of my close proximity to a President.

22. The trust that the Secret Service must inspire in a President of the United States is twofold. First, a President must trust us completely where matters of security are concerned. A President must also trust that his activities -- both in private and public -- will remain in complete confidence. For the reasons stated, the Secret Service must have unquestioned access and proximity to a President in order to provide the necessary level and intimacy of protection to ensure his safety. Conversely, protectees must know that their actions and words are private and confidential despite the close proximity of their protection.

23. In that regard, I have attached, as Exhibit H, a letter

recently written to me by former President George Bush, prompted by newspaper coverage regarding the Secret Service being asked to testify in this matter. In his letter, former President Bush stresses the importance of confidentiality to the Secret Service's mission. In expressing his view that Secret Service agents should not be forced to testify in this matter, former President Bush states: "What's at stake here is the confidence of the President in the discretion of the USSS. If that confidence evaporates the agents, denied proximity, cannot properly protect the President." Former President Bush states that he "allowed the agents to have proximity first because they had my full confidence and secondly because I knew them to be totally discreet and honorable." Former President Bush's letter also states to me: "I can assure you that had I felt they would be compelled to testify as to what they had seen or heard, no matter what the subject, I would not have felt comfortable having them close in."

24. The history of the Secret Service provides a strong foundation for this tradition of unequivocal trust. The motto of the United States Secret Service is "WORTHY OF TRUST AND CONFIDENCE." This tenet is so central to our mission it is emblazoned in the Secret Service Commission Book. I feel so strongly about this creed that when I speak to protective personnel upon their graduation, I tell them that the "most important" factor in the Secret Service Commission Book is the one in which "I commend you to the entire world as being worthy of TRUST and

CONFIDENCE." As I state, "the phrase, 'BEING WORTHY OF TRUST AND CONFIDENCE,' is the absolute heart and soul of the United States Secret Service." This trust and confidence cannot be situational. It cannot have an expiration date. And it must never be compromised.

25. This is why the Secret Service has historically maintained that protective personnel should not, and should not be compelled to, divulge information, whether heard or observed, that is obtained as a result of their protective responsibilities. This confidentiality is a matter of long-lasting institutional culture, and serves as an absolutely necessary component to establishing and maintaining a constant and proximate relationship to any protectee. I am attaching as Exhibit I to this Declaration a true and correct copy of a Secret Service Memorandum titled "Protection for the President," which the Archivist of the Secret Service believes was drafted in 1910. As this Memorandum makes clear, the attitude of the Secret Service has remained unaltered with respect to the need for maintaining absolute confidence over Presidential observations. In the words of the Memorandum, which was submitted to the Secretary of the Treasury:

I wish to say that the men of this service detailed at the Presidential home in Washington or elsewhere are instructed not to talk of anything they may see or hear. So far as the actions of the President and his family and social or official callers are concerned the men are deaf, dumb and blind. In all the years this service has been maintained at the White House and the freedom with which many important public matters have been discussed in their presence, there has never been a leak or

betrayal of trust. \* \* \* \* Responsibility in the matter of the safety of the President . . . was accepted willingly when thrust upon us in an emergency, and from the beginning has been regarded as a sacred trust, overshadowing in importance all other duties and responsibilities.

See Exhibit I at 7, 12-13. Given the Secret Service's history of maintaining absolute secrecy regarding information obtained by its protective personnel while in proximity to the President, our protectees have operated under a belief that their statements and actions occurring in the presence of Secret Service protective personnel are absolutely confidential.

The Independent Counsel's Motion to Compel

26. To the best of my knowledge, the Independent Counsel's Motion to Compel is unprecedented because it seeks to compel before the grand jury testimony from current Secret Service personnel regarding information obtained while they or other Secret Service protective personnel were stationed in close proximity to the President. I wish to express my profound concerns regarding the impact that compliance with this Motion to Compel would have upon the Secret Service, both at this time and in the future. In my view, compelling Secret Service employees to divulge either communications overheard or actions observed as a result of protective duties would impose a permanent and devastating impact upon the Secret Service's ability to provide protection to any of our protectees. Indeed, I firmly believe that allowing this testimony to go forward will compromise the entire protective

fabric enveloping a President, whether at the White House Complex or on the road. For this reason, I believe that denying this Motion to Compel clearly serves the national security interests of the United States.

27. I have previously described the unquestioned and unparalleled relationship of trust and confidence that has historically existed between a President and the Secret Service. In my view, if any President of the United States were given reason to doubt the confidentiality of actions or conversations taken in sight or hearing of Secret Service personnel, he would seek to push the protective envelope away, or eliminate some of its components, undermining it to the point where it could no longer be fully effective. As I noted earlier, former President Bush has expressed his views to me in this regard. As he assures me in his recent letter, attached as Exhibit H, "had I felt [Secret Service agents] would be compelled to testify as to what they had seen or heard, no matter what the subject, I would not have felt comfortable having them close in." Former President Bush states that if a President's confidence in the discretion of the Secret Service evaporates, "the agents, denied proximity, cannot properly protect the President." It is indisputable that a single breach of this confidence, or even the prospect of a breach, brought about by the possibility of compelling Secret Service employees to divulge what is seen or heard while protecting a protectee will invariably alter this important relationship permanently and dangerously. Such a

disclosure would make this and future Presidents feel reluctant to speak or act candidly with advisors, confidants and others in the presence of Secret Service protective employees. More importantly, it would harm our ability to carry out our statutorily-mandated protective functions in the manner and nature that has been historically established. I believe the very foundation for ensuring the success and security of a President would be irreparably harmed, if not completely destroyed, if such disclosure were compelled. I further believe the inevitable result would be that a current or future protectee would seek to reposition Secret Service protective employees in order to ensure privacy and confidentiality or attempt, under some circumstances, to refuse protection entirely, a particularly problematic issue with regard to a President.

28. This evaluation of the impact upon the Secret Service's protective function cannot be overstated for the simple reason that even the most subtle (perhaps even unconscious) efforts to push away the protective envelope could have disastrous, even deadly, effects upon a President. In this regard, the historical contrast between the successful assassination of President McKinley and the unsuccessful attempt to take the life of President Reagan should prove compelling: distancing Secret Service protective personnel from a President can have irreversible consequences. If, as is now the unbroken practice of the Secret Service, an agent or officer had been in the immediate proximity of President McKinley when he

was shaking hands with members of the general public, his assassination might have been thwarted. By contrast, many experts believe that President Reagan's life was saved by a matter of inches. Had the President felt the need to push the protective envelope away by as little as a few feet, world history might have been irrevocably altered. Although these may be the most dramatic examples, the need to maintain close proximity to the protectee exists on a moment-to-moment basis. Even within the confines of the White House, protective personnel are meticulously trained to be ready, if necessary, to be at a President's side within seconds of any breach of White House security. Such breaches are by no means hypothetical. On October 29, 1994, an individual armed with a semi-automatic weapon opened fire (and discharged 29 rounds) at the White House. President Clinton was in the private residence at the time. Within seconds, Secret Service agents moved to cover the President and move him away from White House windows. Indeed, the agents -- who, of course, did not then know the exact nature of the threat directed against the President -- were moving to cover the President even while rounds were still being fired at the White House. In another highly publicized recent incident, a Cessna airplane crashed onto the South Lawn of the White House, making contact with the South Wall of the Executive Mansion. Once again, for this purpose, I have only provided the most dramatic and recent examples. But there have been scores of unheralded assassination attempts that have been averted because of our well-established

techniques and, most of all, because of proximity. Indeed, the Secret Service has had to thwart gate crashers, fence jumpers, and other trespassers who have attempted to penetrate the grounds of the White House Complex. I do not exaggerate, therefore, when I state that maintaining close proximity to a President -- wherever he is, including the White House -- is an absolute necessity if the Secret Service is to succeed in its protective mission.

29. The threat to national security posed by this Motion to Compel extends beyond even a threat to the life of this and future Presidents. By statute, the Service is responsible for protecting visiting heads of foreign states or governments. Quite naturally this is among the most sensitive and significant work performed by the Secret Service. For obvious reasons, if the assassination of a foreign head of state were ever to occur on American soil, the results could be catastrophic from a national security or foreign relations standpoint. In my opinion, even the possibility that Secret Service agents might be compelled to testify against their protectees could severely impair our ability to protect visiting heads of state. For obvious reasons, this is a highly sensitive issue, but I can state that, within days of the first newspaper stories surfacing that the Independent Counsel might be seeking compelled Secret Service testimony, I was approached by a high-ranking official of a foreign country. I was informed, in no uncertain terms, that, if events developed such that agents were forced to testify regarding observations of their protectees, that

foreign nation would seriously consider refusing to allow Secret Service protection in future state visits. If this were to occur, it clearly would have a catastrophic effect on the ability of the Secret Service to complete one of its most important statutory missions -- the protection of the life and safety of foreign dignitaries.

Conclusion

30. In sum, I believe that both reason and experience compel the conclusion that the confidence and unquestioned trust existing in the relationship between the Secret Service and a President warrants the Court's complete and unequivocal protection. Indisputably, based upon historical precedent and compelling policy interests, Secret Service protectees have operated with an expectation that their actions and words are confidential and private despite the close proximity of their protection. In addition, I believe a sound and overarching public interest exists to preserve the integrity of our relationship with our protectees. The Secret Service's ability to safeguard the national security by providing a viable protective envelope around a President and Vice President, their families, and other domestic and foreign leaders, depends on the preservation of that relationship. For all of these reasons, I believe that it is imperative that the protective function privilege be recognized by this Court, and I recommend that the Secretary of the Treasury assert the protective function privilege with respect to the testimony sought to be compelled.

I declare under penalty of perjury, pursuant to 28 U.S.C. Section 1746, that the foregoing is true and correct.

Date

4/21/98



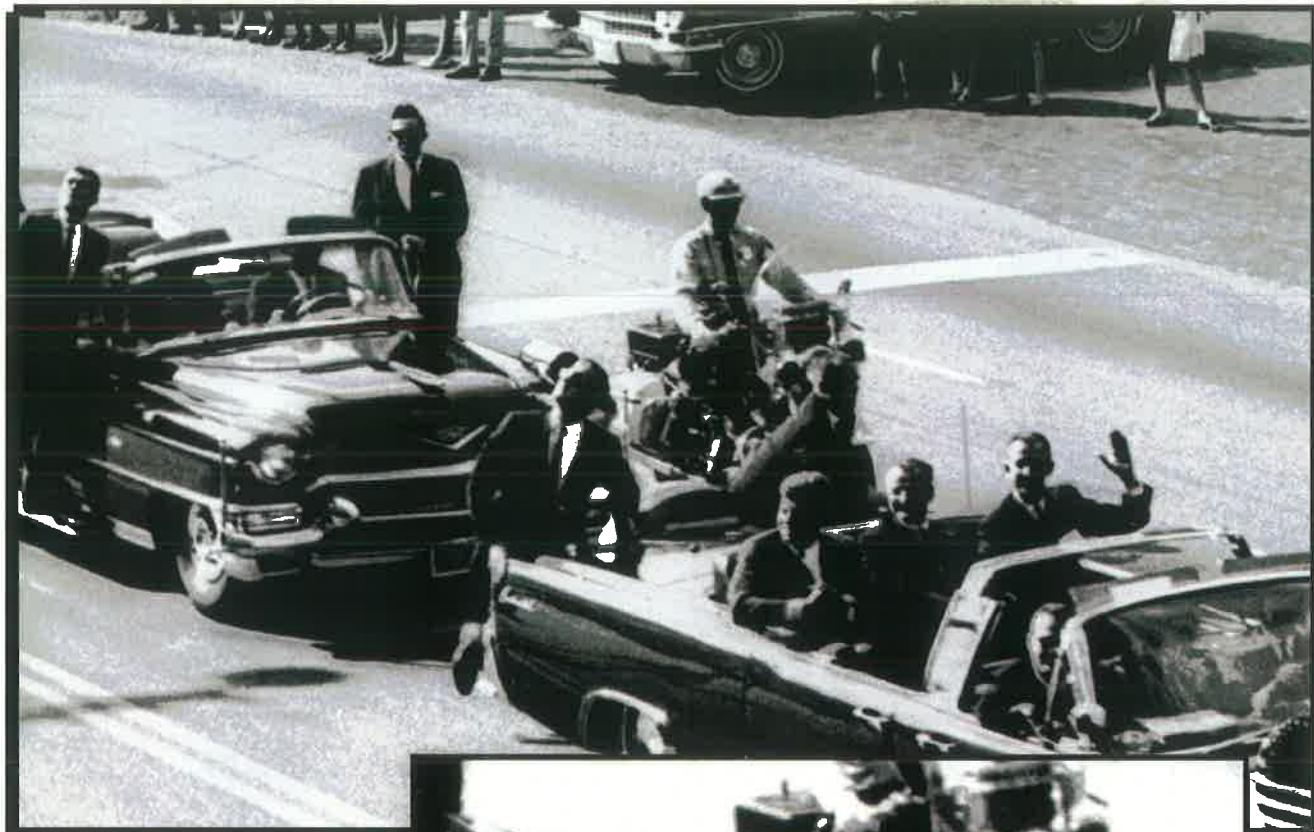
LEWIS C. MERLETTI

Director

United States Secret Service

# John Kennedy - 1963

November 18th - Tampa, Florida



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# John Kennedy - 1963

November 22nd - Dallas, Texas



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# John Kennedy - 1963

November 22nd - Dallas, Texas



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NANCY KATERINA WITKIN, CLERK  
U.S. DISTRICT COURT



# Ronald Reagan - 1981

Washington, DC

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NANCY MAYER-WITTMER, CLERK  
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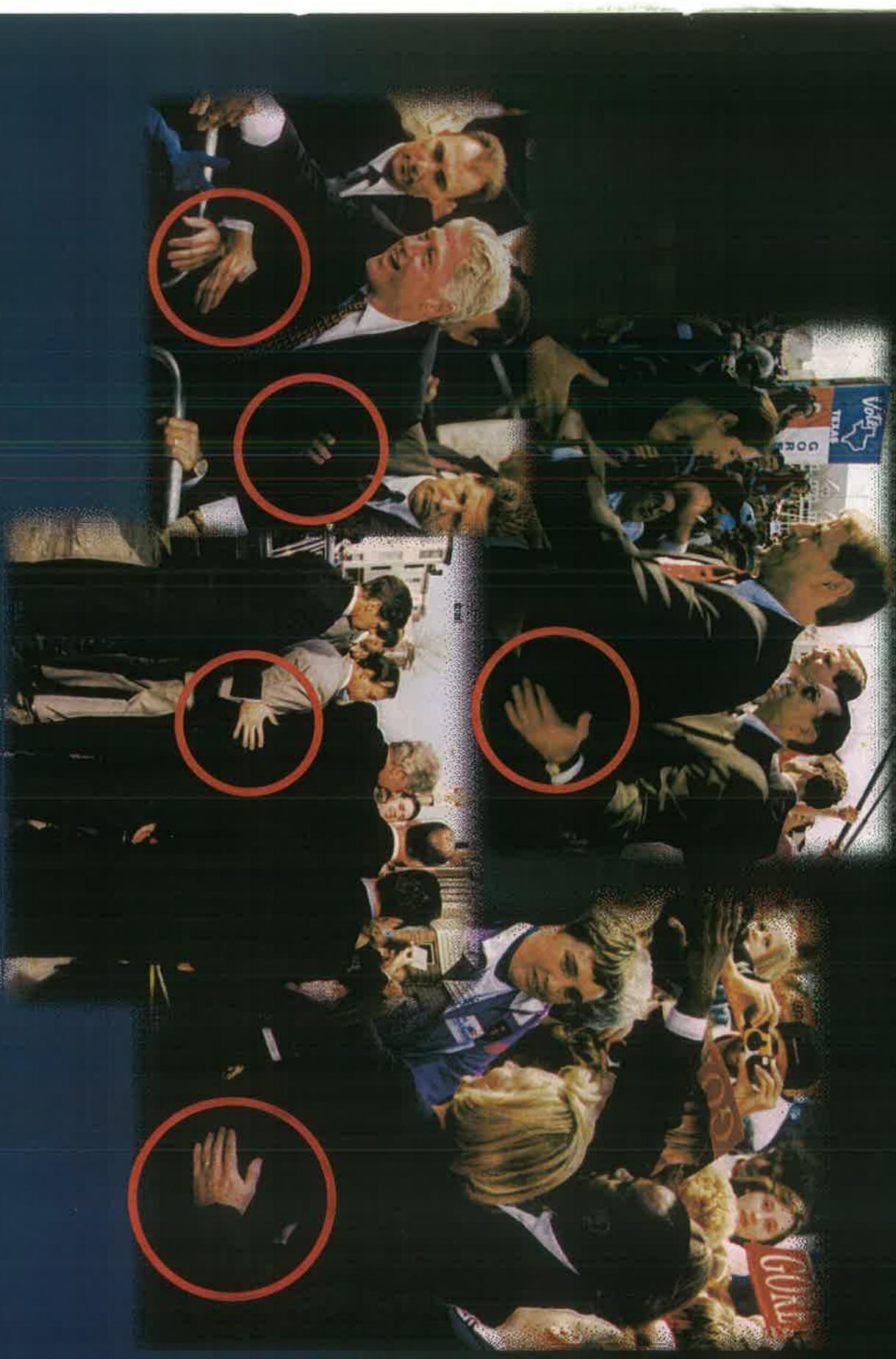
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# Jimmy Carter - September 15, 1979

## Camp David (Catoctin Mountain), MD



Knees sagging, a gasping Carter is caught by Secret Service man and Lukash (No. 196)

GEORGE BUSH

April 15, 1998

**Director Lewis Merletti  
U.S. Secret Service  
Room 800  
1800 "G" Street NW  
Washington, D.C. 20223**

Dear Lew,

I have intended to write you this letter for some time, but today's newspaper coverage regarding the Secret Service's being asked to testify now prompts me to move ahead.

The bottom line is I hope that USSS agents will be exempted from testifying before the Grand Jury. What's at stake here is the protection of the life of the President and his family and the confidence and trust that a President must have in the USSS.

If a President feels that Secret Service agents can be called to testify about what they might have seen or heard then it is likely that the President will be uncomfortable having the agents near by.

I allowed the agents to have proximity first because they had my full confidence and secondly because I knew them to be totally discreet and honorable. Never once did I hear an agent on any detail of mine, Vice Presidential or Presidential, repeat any gossip about anyone they had ever covered.

I hope that my family and I conducted ourselves so as to earn their confidence, too, but I can assure you that had I felt they would be compelled to testify as to what they had seen or heard, no matter what the subject, I would not have felt comfortable having them close in.

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GEORGE BUSH

I can tell you, sir, that I am deeply troubled by the allegations swirling around there in Washington - distressed at what all this might do to the office I was so proud to hold; but regardless of all of that I feel very strongly that the USSS agents should not be made to appear in court to discuss that which they might or might not have seen or heard.

What's at stake here is the confidence of the President in the discretion of the USSS. If that confidence evaporates the agents, denied proximity, cannot properly protect the President.

Feel free to use this letter with proper authorities in the special prosecutors office, or should the matter go to court, with the proper officers of the court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "George Bush".

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B

MEMORANDUM FOR SECRETARY NORTON

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Protection for the President

Under our form of government it seems necessary for the President to come into close personal contact with the public. This being the case there is always the possibility of annoyance by irresponsible though harmless "cranks", or assault by demented persons with homicidal tendencies.

There has been nothing since 1865 to indicate danger to the President from a deliberate conspiracy. Even among the disaffected classes where there is open abuse of one occupying the presidential chair, and where there is much loose talk about desperate measures to rid the country of the "ruler", the danger lies not in any concerted movement on the part of the ranters and firebrands but in the development of an "individualist." In this class have been most of the assassins of presidents and rulers -- men of unbalanced mind who are unconsciously influenced to "act for humanity". These persons consult no one, may not even be known to the rabid anarchist membership, are not identified in any way with the haters of government; they confide in none, make their plans alone and then cunningly seek a favorable opportunity to carry them out.

The danger from the ordinary crank lies in the fact that most frequently he suffers from the delusion that he is followed or persecuted, and that the President either is responsible for his trouble, or can put an end to this "persecution".

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These irresponsibles are usually armed, and were they to gain access to the President might be moved by some crazy freak to attack him; or in defending themselves from fancied enemies open fire on phartoms and wound or kill the President.

In scores -- I might say hundreds -- of instances during the last eight years we have discovered and quietly sidetracked or arrested people in this class. The President has known nothing of it, and unless there is an arrest no one outside our service knows of the incident, and no one can say what tragedy might have been enacted if one of these persons had reached the President.

The danger is not imaginary -- history has proven that. Admitting then, that there is danger how can the President best be protected? After the Buffalo tragedy there was a demand for immediate systematic protective measures. The Secret Service Division with representatives all over the country, able to provide harmonious cooperation wherever the President might be, was thought to be the best equipped to render the desired services.

By direction of the then Secretary to the President and the Secretary of the Treasury, the work was undertaken and the expense borne by the appropriation for suppressing counterfeiting. There was no warrant of law for this action. Congress was not in session but something had to be done at once, the theory being that later Congress would make some provision for the work. Attention was called to the fact that there was no lawful authority for the expenditures in this connection but the Chief of the Service was instructed to go ahead and let him who cared to do so criticize the action.

Congress met, numerous bills were introduced and there were hours of discussion, but nothing was accomplished. The work continued

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without explicit statutory authority for five years before the expenditures were legalized by a line in one of the appropriation bills. All that time however Congress knew the facts and tacitly approved the plan.

In the meantime the years of experience had developed an understanding of the requirements, the systematizing of advance arrangements for a presidential visit, and a general familiarity with the handling of the whole problem. A special force of men, young, alert, courageous, dependable, of clean habits, was developed for this duty and the work has been exclusively in the hands of this service. But the subject has been widely discussed and suggestions have been numerous. They have ranged all the way from no guard at all to the detail of a military squad.

#### A MILITARY GUARD.

This was among the earliest suggestions, but the public seems disinclined to look with favor upon men with swords or bayonets standing guard over the President. If the nation were engaged in a war a military guard might be acceptable, but in times of peace in a democratic country the masses apparently balk at soldiery as a presidential accompaniment.

#### A POLICE GUARD.

This might worked out, but possibly would prove no more agreeable to the President than the present arrangements. Police have local jurisdiction only, and the assistance extended during visits to various cities could not well be as closely cooperative as when under present conditions local assistance is rendered by part of the force with which the White House detail is identified. If a permanent guard were dispensed with and reliance placed in the local forces of cities visited, the President would be surrounded

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by men who are unfamiliar with his personal habits and methods, which might cause more or less confusion; and furthermore, officers who are not constantly with him are usually more interested in watching him and his movements than they are in scrutinizing members of the crowd where the real danger lies.

AN INDEPENDENT DETAIL.

It has been suggested that two or three or four men be appointed to constitute the President's body guard, to be under the immediate direction of the Secretary to the President. This would be an admirable arrangement if the Chief executive remained always in Washington. But when he visits other cities should there not be cooperation in advance arrangements, reinforcements to meet special conditions and so on? From what source should that additional force be drawn? Would municipal cooperation as a courtesy be satisfactory, or should there not be an outside force under the direction of an administrative officer in Washington available for all sorts of emergencies, and wholly under government control?

IMPERFECT AT BEST.

Conditions in the United States are such that the authorities are seriously handicapped at the very outset. We have no arbitrary control over public gatherings. We cannot prescribe such regulations as are considered essential abroad during a public appearance of the Chief Magistrate.

We have to combat in some quarters a lack of veneration and respect for an official no matter how exalted his station. The public washed and unwashed demands the right to approach the President, to swarm about him in crowds, to grasp his hands, to pat him on the back, to "jolly" him. The great American public, or a certain part of it at least is no respecter of persons,

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and the slightest incident may turn a rarely curious crowd into a hooting mob. Doubtless you have seen something of this spirit on railway trips.

In the absence of monarchial conditions, and in the face of the freedom of speech and action exercised by the public, the task of extending protection is one of manifold difficulties.

There is no such thing as absolute protection either here or abroad. A fanatic or maniac intent upon murder and willing to sacrifice his own life can reach his victim in spite of any precautions short of deliberate seclusion in a bomb proof chamber. A rifle in the hands of a desperate man and a window overlooking the line of march would solve the problem in almost every instance.

Happily in this country there is not the intense personal feeling against the Chief executive that exists abroad against an Emperor or King; but our practice of permitting the close physical relations of President and public provides an opportunity for mere cranks that creates a menace unknown abroad.

The general practice of the service in the matter of protection may be treated briefly in its various phases as follows:-

DURING BUSINESS HOURS.

When the President is in Washington two of our men are on duty at the Business office all day. They are instructed carefully to inspect all callers, and diplomatically to approach those whose actions or appearance are all abnormal. In this manner many undesirable and dangerous persons have been led away quietly, or, in some instances where deadly weapons have been found in their possession, have been escorted out of town or sent to the municipal building for the inspection of the Sanitary officers.

In this connection I may say that we are opposed to publicity in the matter of cranks because stories of cranks at the White House seem to

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breed cranks. Furthermore the protection of the President is a tabooed subject and we forbid newspaper interviews about protective measures. It usually happens however that where we turn a crank over to the police there is a story given out at the municipal building. This we cannot control, though we think it unwise to exploit such matters.

#### INFORMAL CALLERS.

During the Congressional season there are almost daily informal receptions at which the President meets delegates and sightseeing excursion parties introduced by members of Congress or other dignitaries. It would not be difficult for an evilly disposed person to identify himself with one of these parties and thereby get to the President. For this reason at all of these informal hand shaking affairs the operative in charge at the White House takes his place by the President on the side from which the line approaches where he can have an unobstructed view of each caller, and near enough the President to act in an emergency. A second agent is so placed that he can inspect and "size up" the visitors as they approach.

#### NEW YEARS DAY.

This same arrangement is followed at all White House functions of a public character. On New Year's day when the doors are thrown open to everyone who cares to come, additional men are detailed to look closely after the thousands of people, black and white, well-to-do or otherwise, who gather to wish the President the compliments of the season.

We think notice should be served by the police officers outside the White House that persons carrying bundles or packages of any description will not be admitted. Such action will save confusion inside and eliminate a source of occasional annoyance and embarrassment.

#### WALKS.

When the President leaves the White House for a walk he is

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accompanied by one or two agents (the number depending upon the hour) who keep near enough to him to be available in an emergency and far enough away so that his privacy is not in any way invaded. In this connection I wish to say that the men of this service detailed at the Presidential home in Washington or elsewhere are instructed not to talk of anything they may see or hear. So far as the actions of the President and his family and social or official callers are concerned the men are deaf, dumb and blind. In all the years this service has been maintained at the White House and the freedom with which many important public matters have been discussed in their presence, there never has been a leak or betrayal of trust.

#### THEATRE.

When he goes to the theatre arrangements are made for one agent in a seat so located as to command the approach to the front of his box, and another agent is stationed where he can control the entrance to the back of the box.

Unless the matter is given the Secretary's personal attention and forbidden, the presidential chauffeurs, footman and uniformed police officers and two or more plain clothes men from police headquarters assigned to the theatre will follow in after the President and line up against the wall at the side of the house. This naturally attracts a good deal of attention and occasionally results in delay in getting the President's car to the door. This crowd of half a dozen or ten persons by some of the public is identified with the presidential bodyguard and perhaps is responsible for some unfavorable comment.

#### EVENING SOCIAL ENGAGEMENTS.

In these affairs we only aim to have someone about the premises in case of an emergency. Where the host of the evening makes no provision for shelter our agents remain outside with the police officers until the President returns to the White House. Frequently

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the President will accept two or more invitations for the same evening -- say an Insurance Convention dinner at one of the hotels where he is to make an address and later on a supper or reception or ball at some private residence. For the first affair which is a formal function among strangers our agents don evening dress so that they may be about the President and at the same time be inconspicuous. When the President leaves for his second affair unless one of the men be taken with him in his car we arrange for a taxicab, and by an understanding with the presidential driver so time matters that we shall arrive at his destination a moment ahead of him.

It seems to me that it would be entirely feasible and proper to arrange with the host of any private function for one or two seats in a part of the reception hall or library or other unused room where the men of the service might remain in comfort during the evening.

OUT OF TOWN TRIPS.

You are familiar in a general way with our procedure when the President is on tour.

An agent provided with a detailed program which has been approved by the Private Secretary reaches the city to be visited well in advance of the fixed date. He bears credentials from the White House as a member of this service assigned to the advance arrangements for the safety and comfort of the President.

He verifies the general plan of entertainment.

Goes over the route of parade with the chairman of the Committee and Chief of Police.

Arranges for guard ropes at all points where the conditions demand it.

Agrees exactly upon the location of official vehicles and occupants thereof with due regard to the general rules of precedence.

If there is to be a banquet special arrangements are made for the investigation of all waiters and particularly those assigned to the head table, and the seats for our agents are so located as to control access to

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the President. Attention is given to the location of windows and where necessary, arrangements are made for stationing police officers outside.

Conditions being unusual, where the hall is lavishly decorated with light and inflammable material a fireman with a chemical extinguisher is stationed close by the main entrance to the dining hall and another between the dining hall and kitchen,

Arrangements are made for easy access to vehicles on all occasions and their arrival and departure is provided for at the several points.

#### GENERAL PLAN OF PROTECTION.

The men detailed to protective work are impressed with the importance of being everlastingly on the alert, and never forgetting for a moment what they are there for.

They are expected to dress as nearly as possible like the members of the presidential party and thus avoid becoming conspicuous.

Their training has been such that they are quite at home in any society and would not be out of place anywhere with the President from an Eastside patriotic meeting to a ball room.

They are trained to watch the crowd.

The Chief operative of the detail is always on the immediate right of the President; his principal assistant on the left. In close quarters a third man is assigned to drop in immediately behind the President. Under certain conditions a fourth man may open a clear way ahead of the party.

On visits to outside cities the second vehicle is reserved for one of the regular presidential detail with men assigned from our local force. These men have a clear view of the approaches to the President's car from the rear, and keep a close watch on the crowds lining the walks and also observe the groups in windows or on roofs along the route. Whenever stops occur where the crowd is close the men from the rear car close in on the forward one and cover it from side and back each man having his station assigned in advance.

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AT THE SUMMER RESIDENCE.

In the absence of police protection at the President's summer residence it became necessary to provide a force which supplement<sup>ed</sup> the ordinary body guard, and which made it possible properly to look after the official premises night and day. Being some distance from town and the office, automobiles have been provided to convey the men to and from town at the hours of changing watch.

In the past when the President has gone out for an automobile ride we have only been able to give him the necessary attention by sending a man in a following car.

It has been suggested that a man on a motor cycle would be better. Perhaps in some emergencies and under some conditions a motor-cycle could be used, but it seems to me that the ideal and proper solution of the problem is to have it understood that on all motor trips the seat beside the Chauffeur belongs to the Presidential guard. That will do away with "a procession" on such trips and will be less conspicuous than to have a follower of any kind.

In close contact with crowds as when leaving a base ball enclosure or moving slowly through a densely crowded street our men properly and advantageously may stand on the running board of the machine, but this should not be necessary at other times.

SPEED WHEN MOTORING.

In this connection I beg to direct your serious attention to the fact that the pace of the President's car should be regulated absolutely by you in such a way as to leave no room for criticism in case of an accident. It is not right to hurtle the President over country roads at forty or fifty miles an hour. Thirty miles an hour is the limit of safety for a conservative motorist; anything in excess of that simply invites disaster. And thirty miles an hour is possible with safety only under ideal conditions.

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It has been suggested that a man on a motor-cycle would be better. But a man protecting the President free to move about, and should have nothing but his business to think of. With a motor-cycle he would have to have someone to watch it while he was on foot. Perhaps in some emergencies a motor-cycle could be used, but it seems to me that the ideal and proper solution of the problem is to have it understood that on all motor trips the seat beside the chauffeur belongs to the Presidential guard. That will do away with "a procession" on such trips and will be less conspicuous than to have a follower of any kind.

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We have an understanding with the police authorities in New York that the speed of the police car which sets the pace for the President's car shall not exceed twenty miles an hour through traffic.

The speed with which the President's car has been driven at times both here and outside of Washington has been the subject of much unfavorable comment; and while there has been no unfriendly criticism publicly, I feel that if as a result of the bursting of a tire or the breaking of a steering connection or an axle, the President should be hurt, you would be censured for permitting fast driving, and we should all be told that we have known that an accident was inevitable.

AS TO ANARCHIST SOCIETIES.

I have taken my own methods of keeping in touch with the centers of activity among the so called "Reds". These methods I will be glad to explain verbally but prefer not to include the details here. It will be sufficient perhaps to say that I am constantly advised of the movements and conversations of the recognized leaders of the anarchist movement in this country, and am fully informed as to the visits of any well known members from abroad. There is nothing in the situation to cause uneasiness. There is no concerted movement of a hostile character. Abusive speeches are made and privately the Chief Executive is reviled. But the movement lacks funds and organization, and at present has no leaders willing to risk their liberty by fomenting any aggressive action.

NEED OF PRESIDENTIAL COOPERATION.

A President himself perhaps may not be heartily in sympathy with the protective proposition. The general sentiments of the public are friendly. No concrete danger threatens. He sees no hostile demonstration but in spite of the peaceful conditions he finds at least two agents always at his side. He chafes under it, finds it irksome, and wishes it might be dispensed with. But perhaps when one becomes

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President he forfeits the right to expose himself to danger of any sort. He becomes an object of solicitude to the people. They demand that he shall be shielded from any possible harm, and that if necessary he must risk his own personal desires in order that his official existence may be safeguarded.

Presidential antagonism to protective measures multiplies the difficulties of the problem and seriously affects the efficiency of the guard. Keenly alive to the mental attitude of their charge they are fearful of increasing that opposition, and are unable to give to their work the undivided attention it demands. Were anything to occur it would not satisfy the people to say that the President objected to protection. Those who were in a position to provide protective measures and did not do so would be told that it was their business to see that he was protected whether he was in sympathy with it or not.

One needs only to turn back to the record of events following the Buffalo tragedy to find what the public temper is, under these conditions.

#### RESPONSIBILITY.

Responsibility in the matter of the safety of the President must be centered. It cannot be divided. Nor can the individual charged with that responsibility unload it upon another. Municipal authorities may assert that when the President visits their city they assume the responsibility for his safety, but if anything were to happen today, who must stand the storm of criticism and condemnation -- the police? The mayor? The reception Committee?

No! The Secret Service, whose appropriation provides for the protection of the President. No matter what the combination of circumstances might be, the service would be held responsible by the public at large. You cannot divide that burden. It must be borne by one man and is not a light burden. It is an honor to have been entrusted with a matter of such grave importance but the honor was unsought.

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It was accepted willingly when thrust upon us in an emergency, and from the beginning has been regarded as a sacred trust, overshadowing in importance all other duties and responsibilities.

COST.

The total expense charged against the appropriation for suppressing counterfeiting on account of protection for the President averages about fifteen thousand dollars (\$15,000.00) per annum.

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