

Actor
OCA 8. 2400

OFFICE OF CONGRESSIONAL AFFAIRS
Routing Slip

	ACTION	INFO
1. D/OCA		X
2. DD/Legislation	X	X
3. DD/Senate Affairs		X
4. Ch/Senate Affairs		
5. DD/House Affairs		X
6. Ch/House Affairs		
7. Admin Officer		
8. Executive Officer		X
9. FOIA Officer		
10. Constituent Inquiries Officer		
11.		
12.		

SUSPENSE 16 July 86
Date

Action Officer:

Remarks: Action completed 7/15/86.
we have no objection. Annette Rooney
at OMB took over response

GJ / 15 July 86

Name/Date

(b)(3)



**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503**

SPECIAL

CONGRESSIONAL AFFAIRS

86-2400

July 15, 1986

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer -

Department of Justice
Department of State
National Security Council
Central Intelligence Agency ✓
Department of Defense (Windus 697-1305)

SUBJECT: Treasury draft letter on Amendment 2173 to H.R. 4151 as passed the Senate.

(Conference action may occur this week. Accordingly, we will clear this report on July 16 and will presume you have no comments if your agency has not responded within the deadline.)

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than 10:00 A.M. WEDNESDAY, JULY 16, 1986.

Questions should be referred to **SUE THAU/ANNETTE ROONEY** (395-7300), the legislative analyst in this office.

Ronald K. Peterson

**RONALD K. PETERSON FOR
Assistant Director for
Legislative Reference**

Enclosures

cc: M. Margeson
R. Neely
F. Seidl

SPECIAL

Dear

I am writing to you to express the grave concern of the Department of the Treasury regarding the severe diminution in the ability of the Secret Service to protect foreign diplomatic missions located in the District of Columbia that would result from the enactment of Amendment Number 2173 (S. 2508) to H.R. 4151.

As you are aware, on June 25, 1986, the Senate, with very little debate and without having obtained the views of the Administration, adopted an amendment to the Omnibus Diplomatic Security and Anti-Terrorism Bill, H.R. 4151, that would repeal Section 22-1115 of the District of Columbia Code that currently prohibits demonstrations within 500 feet of embassies, legations and consulates in the District of Columbia. The amendment would, in effect, eliminate all spatial restrictions on demonstrations in proximity to foreign embassies unless it could be established that the demonstrators willfully attempted to intimidate, coerce, threaten, or harass a foreign official or an official guest, or willfully attempted to obstruct a foreign official in the performance of his duties. Where such intentional intimidation, coercion, threat, harassment or obstruction could be shown, demonstrations could be restricted to an area only 100 feet distant from the embassy.

It is the view of the Secret Service, which, pursuant to Title 3, Section 202 of the United States Code, is tasked with the responsibility to protect all foreign missions in the District of Columbia, that the repeal of D.C. Code Section 22-1115 runs directly counter to the stated objective of H.R. 4151 "to provide enhanced diplomatic security and combat international terrorism" since it would cripple the ability of the Secret Service to provide security for the representatives of foreign nations who live and work in our Nation's Capital.

In many respects, the obstacles currently confronting the Secret Service in providing security for foreign embassies, legations, and consulates are much greater than those it encounters in protecting personnel and property of the United States. At the White House and at the residence of the Vice President, for example, the Secret Service

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maintains a presence inside the structures which enables it to deploy a defensive network consisting of a number of manned perimeter posts radiating out from a centralized command center. The Secret Service's permanent on-site presence has also facilitated the installation of sophisticated equipment which enables Secret Service personnel to continuously monitor the area which surrounds the site. Although the task of insuring the safety of the White House complex and the residence of the Vice President is extremely difficult, it would be impossible were the Secret Service subject to the same diplomatic constraints that control Secret Service operations at foreign embassies, consulates, and legations.

The structures which house the diplomatic operations of foreign nations provide a tangible focal point to those wishing to demonstrate against the policies of the foreign government. Recent events underscore the fact that demonstrations near embassies or other official foreign government buildings, even if initially peaceful, exacerbate tensions and often lead to violent confrontations among the police, demonstrators and occupants of the protected premises. Yet, in contrast to the White House and other official buildings of the United States, Secret Service personnel are prohibited by international law and comity from entering onto the premises of any foreign embassy, legation, or consulate except with the expressed prior approval of the foreign government. At such locations, the Secret Service has no secured perimeter which might otherwise be available if it were permitted to position personnel inside the protected premises, and, consequently, the Secret Service must avail itself of every available legal means to guarantee the most secure environment possible.

In this context, it becomes clear that the buffer zone provided by Section 22-1115 of the District of Columbia Code is essential if the Secret Service is to be able to provide a minimally acceptable level of security for foreign diplomatic personnel and property. Yet, as important as D.C. Code Section 22-1115 is to the safety and well-being of foreign diplomatic personnel, it also serves to protect demonstrators and security personnel as well.

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It should be recalled that on April 17, 1984, a British policewoman, Constable Yvonne Fletcher, was killed in the line of duty, and eleven peaceful protesters were wounded by gunfire during a demonstration in front of the Libyan embassy in London. This incident underscores the importance of keeping demonstrators a safe distance away from diplomatic missions. While it may be that demonstrators have the option to jeopardize their own personal safety in order to express their views and may even desire such a confrontation to gain additional publicity for their cause, security personnel who must always position themselves as a protective buffer between demonstrators and the occupants of protected premises do not. As the incident in London demonstrates, police can be literally caught in the crossfire--with tragic results.

In addition, a demonstration in close proximity to an embassy could provide an extremist with a human shield of innocent bystanders from which to launch a terrorist act. It is the view of the Secret Service that the 500 foot rule deters those who might otherwise infiltrate and exploit a demonstration in close proximity to an embassy in order to perpetrate such an act of violence. Without question, the presence of a demonstration close to a targeted embassy would aid the terrorist since the risk of injuring innocent demonstrators would impede the ability of the Secret Service and other law enforcement agencies to respond effectively. Thus, although the occupants of foreign diplomatic missions in the District of Columbia have been traditionally identified as the principal beneficiaries of the protections afforded by Section 22-1115, it is clear that a demonstration in close proximity to foreign missions is fraught with danger for others as well.

The need for the 500 foot rule is particularly acute in the District of Columbia, which like London, is a national capital. The sheer number of, and the high visibility of, diplomatic embassies and missions located in the Nation's Capital distinguish Washington, D.C., from other cities in the United States, and may account for the fact that while the Secret Service is authorized by Congress to protect all foreign diplomatic missions located in the metropolitan area of the District of Columbia, its authority to protect such missions outside the Washington, D.C., area is much more restricted.

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District of Columbia Code Section 22-1115 constitutes a vital element in the ability of the Secret Service to successfully carry out its protective mission as it pertains to foreign embassies and missions located in the District of Columbia. The 500 foot rule strikes a carefully calculated balance between a demonstrator's right to freely express his or her views and the need of the government to assure that the missions and embassies of foreign countries located in the District of Columbia remain secure and inviolate.

It is my opinion and the position of the United States Secret Service that any diminution of D.C. Code Section 22-1115 is untenable in view of the very real threat to human life that would result.

Director John Simpson of the Secret Service has expressed the hope that you would be willing to meet with representatives of the Secret Service so that his concerns regarding the repeal of D.C. Code Section 22-1115 might be more fully explained. A representative from Director Simpson's staff will contact your office regarding such a meeting.

Sincerely,

Francis A. Keating, II
Assistant Secretary
(Enforcement)