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# WITHDRAWAL SHEET

## Ronald Reagan Library

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Date: 6/24/98

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. letter 283841	Ann Alexander to Lawrence Herbolzheimer re: investigation of assassination attempt. 1p., partial	12/20/84	<del>F7</del> B7
2. list	attached to item 1. 1p.	n.d.	<del>F7</del> B7, 12/18/84 with
<del>3. report 294111</del>	<del>William French Smith re: assassination attempt on President. 53p.</del>  <i>See new withdrawal.</i>	<del>4/14/81</del>	<del>P5, P6 B6, B7 F2, F7</del>

### RESTRICTION CODES

**Presidential Records Act - [44 U.S.C. 2204(a)]**

- P-1 National security classified information [(a)(1) of the PRA].
- P-2 Relating to appointment to Federal office [(a)(2) of the PRA].
- P-3 Release would violate a Federal statute [(a)(3) of the PRA].
- P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA].
- P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA].
- P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA].

C. Closed in accordance with restrictions contained in donor's deed of gift.

**Freedom of Information Act - [5 U.S.C. 552(b)]**

- F-1 National security classified information [(b)(1) of the FOIA].
- F-2 Release could disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA].
- F-3 Release would violate a Federal statute [(b)(3) of the FOIA].
- F-4 Release would disclose trade secrets or confidential commercial or financial information [(b)(4) of the FOIA].
- F-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA].
- F-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA].
- F-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA].
- F-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].

# WITHDRAWAL SHEET

## Ronald Reagan Library

**Collection Name** WHITE HOUSE OFFICE OF RECORDS MANAGEMENT:  
SUBJECT FILE

**Withdrawer**

KDC 5/3/2011

**File Folder** JL003-01

**FOIA**

F10-0056/01

**Box Number**

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DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
1	REPORT	ATTORNEY GENERAL'S REPORT CONCERNING ASSASSINATION ATTEMPT ON PRESIDENT RONALD W. REAGAN 294111	3	4/14/1981	B2 B7(C) B3 B6
2	REPORT	ATTORNEY GENERAL'S REPORT CONCERNING ASSASSINATION ATTEMPT ON PRESIDENT RONALD W. REAGAN 294111	1	4/14/1981	B2 B7(C) B3 B7(E) B6
3	REPORT	ATTORNEY GENERAL'S REPORT CONCERNING ASSASSINATION ATTEMPT ON PRESIDENT RONALD W. REAGAN - TAB 2 294111	2	4/1/1981	B2 B7(C) B3 B6
4	REPORT	ATTORNEY GENERAL'S REPORT CONCERNING ASSASSINATION ATTEMPT ON PRESIDENT RONALD W. REAGAN - TAB 2 294111	1	4/1/1981	B2 B7(C) B3 B7(D) B6
5	REPORT	ATTORNEY GENERAL'S REPORT CONCERNING ASSASSINATION ATTEMPT ON PRESIDENT RONALD W. REAGAN - TAB 2	1	4/1/1981	B2 B7(C) B3 B6

Freedom of Information Act - [5 U.S.C. 552(b)]

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- B-3 Release would violate a Federal statute [(b)(3) of the FOIA]
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F10-0056/01

**Box Number**

WILBER

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DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
6	REPORT	ATTORNEY GENERAL'S REPORT CONCERNING ASSASSINATION ATTEMPT ON PRESIDENT RONALD W. REAGAN - TAB 2 294111	1	4/1/1981	B2 B3	B7(C) B6

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283841

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WITHDRAWAL SHEET AT THE FRONT OF THIS FOLDER.

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**DEERE & COMPANY**

910 SEVENTEENTH STREET . N.W., WASHINGTON, D.C. 20006. 202-331-1320

ANN M ALEXANDER  
Administrative Assistant



4337200

20 December 1984

Mr. Lawrence Herbolsheimer  
Office of Cabinet Affairs  
Room 129  
Old Executive Office Building  
Washington, D.C. 20500

BY HAND

Dear Larry:

Enclosed please find a list of names of those people  
who were assigned to investigate the attempted assass-  
sination of the President.

I was asked by Detective [REDACTED] to see what could  
possibly be done to obtain invitations to at least  
one of the Inaugural functions for these people  
who spent so many hours working on this case.

Thanks for what ever help you may give in this  
regard. Also many thanks for all your past help.  
Best wishes for a wonderful Christmas holiday for  
you and your family.

Very truly yours,

Ann M. Alexander

RONALD W. REAGAN LIBRARY

THIS FORM MARKS THE FILE LOCATION OF ITEM NUMBER 2 LISTED ON THE  
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JV



THE ATTORNEY GENERAL  
WASHINGTON

*File*

January 23, 1985

Mr. Craig L. Fuller  
Assistant to the President  
for Cabinet Affairs  
The White House  
Washington, D.C. 20500

Dear Craig:

Enclosed for the President's records and historical files is a brief history of events in which the Attorney General was involved relating to the assassination attempt on the President.

Since this has obvious historical significance, I thought a copy should be with the President's papers.

Sincerely,

*Bill*

William French Smith

Enclosure



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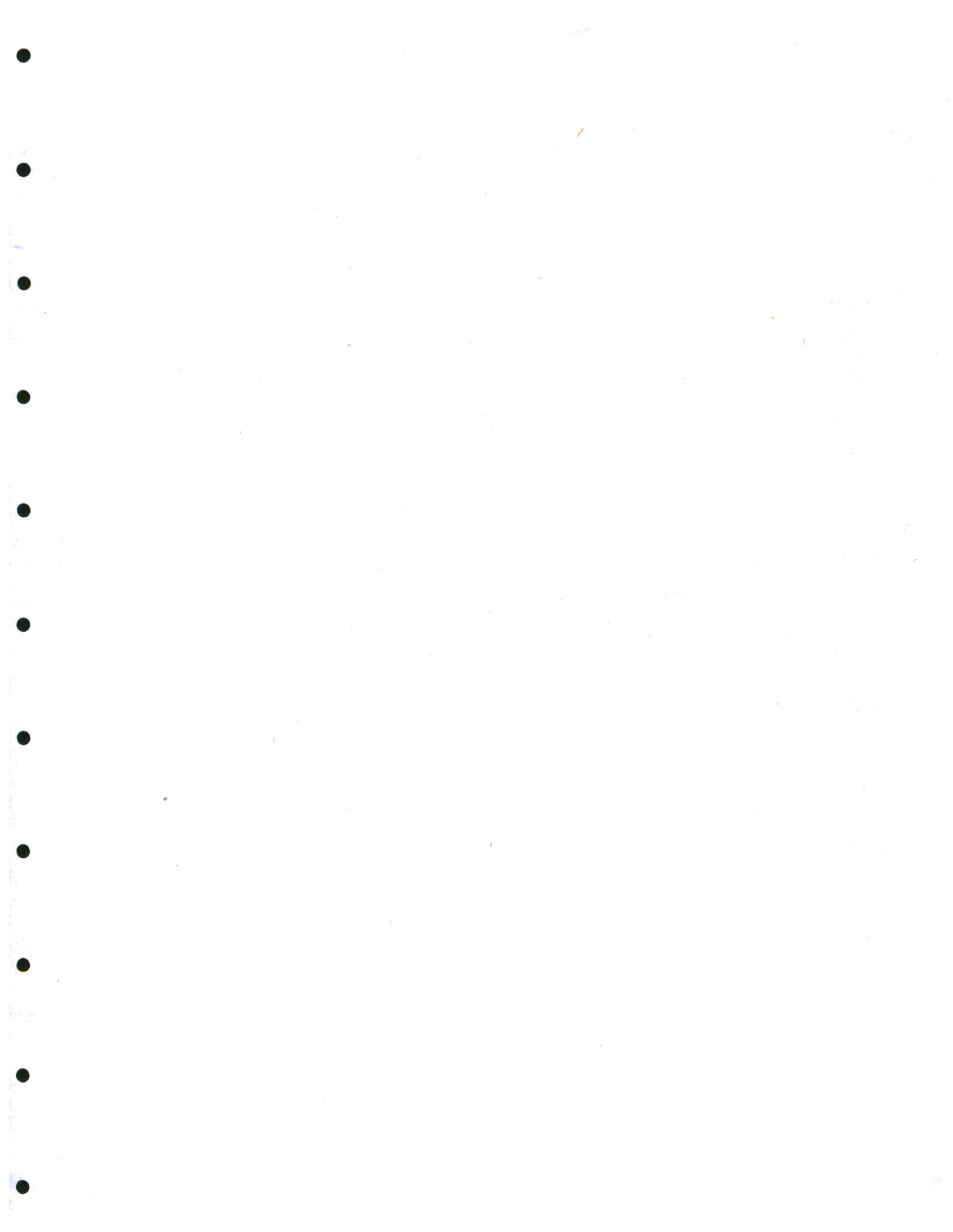
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ATTORNEY GENERAL'S REPORT  
CONCERNING  
ASSASSINATION ATTEMPT  
ON  
PRESIDENT RONALD W. REAGAN

William French Smith  
Attorney General of the United States  
April 14, 1981



# WITHDRAWAL SHEET

Ronald Reagan Library

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1	REPORT	3	4/14/1981	B2
	ATTORNEY GENERAL'S REPORT CONCERNING			B7(C)
	ASSASSINATION ATTEMPT ON PRESIDENT			B3
	RONALD W. REAGAN			B6
	294111			

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ATTORNEY GENERAL'S REPORT  
CONCERNING  
ASSASSINATION ATTEMPT  
ON  
PRESIDENT RONALD W. REAGAN

On March 30, 1981, at approximately 2:25 p.m., President Ronald Reagan was shot in an assassination attempt outside the Washington Hilton Hotel in Washington, D.C. This document records the occurrences during the ensuing period involving Attorney General William French Smith and other Department of Justice officials.

The Attorney General learned of the attempted assassination at approximately 2:40 p.m. At that time he and Theodore B. Olson, Assistant Attorney General, Office of Legal Counsel, were in the Attorney General's office discussing several matters relating to the accords reached with Iran in connection with the release of American hostages. Thomas P. DeCair, Director, Office of Public Affairs, entered the room to inform the Attorney General that an attempt to shoot the President had occurred, and that three others had been injured: Press Secretary to the President James Brady, a Secret Service Agent, and a District of Columbia policeman. \*/ Mr. DeCair turned on the television set in the Attorney General's office. The news of the assassination attempt was being broadcast. At approximately 2:45 p.m., Myra L. Tankersley, Confidential Assistant to the Attorney General, entered the room with [REDACTED], FBI Special Agent,

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\*/ The earliest reports were very fragmentary. Mr. Olson recalls Mr. DeCair initially indicating only that "an agent has been shot."

to inform the Attorney General of the shooting. The doors leading to the immediate office and study were locked and security was doubled.

At 2:55 p.m., Judge William Webster, Director of the Federal Bureau of Investigation, called from Williamsburg, Virginia, where he was attending a recently convened FBI Special Agents Conference. He was asked by the Attorney General to return to Washington immediately. During the course of this conversation, Edward C. Schmults, Deputy Attorney General, called from the Office of the Counsel to the President at the White House to advise the Attorney General of the shooting. Rudolph W. Giuliani, Associate Attorney General, at this time was also at the White House in the office of Michael Uhlmann, Special Assistant to the President for the Office of Policy Development. Mr. Schmults and Mr. Giuliani promptly terminated their meetings and returned to the Department of Justice.

The initial press reports stated that the President had not been harmed. The first videotape of the shooting tended to confirm these reports. It was then learned that the President's car had been re-directed to George Washington University Hospital after leaving the Washington Hilton, the scene of the shooting. The early indication was that, having been pushed into the Presidential limousine by a Secret Service Agent, the President may have bruised a rib. Later it was confirmed that he had been hit by a bullet. (Director Webster was to indicate in a telephone call to the Attorney General on the morning of Tuesday, March 31,

that a black spot had been found on the car door jam and that the bullet may have ricocheted into the President from the hinged opening of the car door as he was pushed into the car.)

In view of the fact that the President might have been injured, the Attorney General and Mr. Olson discussed the problem of Presidential succession in the event of disability. The Attorney General requested that the Office of Legal Counsel quickly review that question. Mr. Olson returned to his office and directed his legal staff to begin research promptly.

At approximately 3:05 p.m., Secretary of State Alexander Haig called and asked the Attorney General to go immediately to the Situation Room in the White House. By the time of the Attorney General's departure, Mr. Schmults, Mr. Giuliani and Kenneth W. Starr, Counselor to the Attorney General, had assembled in his office. The Attorney General left for the White House on an emergency basis. [REDACTED] was the driver of the car. Security had been augmented: FBI Special Agents [REDACTED] [REDACTED] accompanied the Attorney General. They arrived at the White House between 3:10 and 3:15 p.m. The Attorney General proceeded to the Situation Room.

From the Situation Room the Attorney General established lines of communication with his office, Mr. Schmults, and the FBI Command Center at the Washington Field Office. The Attorney General's office was set up as the Department of Justice control

three handguns in his briefcase on October 9, 1980. On that day, President Carter had been in the city to make a campaign speech. The Attorney General also advised with respect to the question of the succession and procedures in the event of disability of the President.

During the period from approximately 3:20 p.m. to 8:20 p.m., the Attorney General was in the Situation Room of the White House. He remained in communication with his office, principally with Mr. Schmults and Mr. Giuliani. He also communicated with Mr. Olson in connection with the necessary research and preparation of transition documents, and with Judge Webster and other FBI officials with respect to the transportation, incarceration, presentment, hearing and related matters concerning the suspect.

At approximately 4:00 p.m., Secretary of State Haig, after watching the television newscasts and being dissatisfied with the tone and content of the White House briefings, left suddenly for the White House Press Room. He made an announcement to the effect that he was in charge at the White House pending the arrival of the Vice President.

At approximately 4:15 p.m., the Attorney General telephoned Mr. Olson further concerning the Presidential transition memorandum and asked him to bring the transition documents to the Situation Room. (These materials are attached at Tab 1. Forms that might be necessary as part of the handling of Presidential disability in accordance with the 25th Amendment are contained in



center. Mr. Schmults and Mr. Giuliani remained there and followed events on the television set. Their principal concerns related to the handling and security of the suspect, John W. Hinckley, Jr., who initially had been taken to the Metropolitan Police Department Headquarters. They wanted to make sure that he was transferred to FBI custody as quickly as possible.

In the Situation Room with the Attorney General were Secretary of State Alexander Haig, Secretary of Defense Caspar Weinberger, Secretary of the Treasury Donald Regan, CIA Director William Casey, National Security Advisor Richard Allen, Counsel to the President Fred Fielding, and various press and staff heads. Communications were established by Secretary of State Haig with Vice President Bush, who was in Texas because of speaking engagements. The Vice President cancelled his remaining engagements and returned to Washington on Air Force Two.

In the Situation Room, a television set was on and the condition of the President was continuously monitored. The Secretary of Defense stated that the Armed Forces around the world had been advised and that they had been placed on a slightly increased alert basis. The Secretary of the Treasury advised with respect to the activities of the Secret Service. The Secretary of State advised with respect to the response from overseas. The Attorney General advised with respect to the known circumstances concerning the suspect, weapon, status of the investigation, incarceration, and related matters. He reported that the suspect had been arrested at the Nashville, Tennessee airport for carrying

these materials.) Mr. Olson arrived at the Situation Room at approximately 4:45 p.m. He reviewed the documents with the Attorney General and left at 5:30 p.m.

The Attorney General remained in communication with Director Webster, who returned promptly by plane from Williamsburg, and with the Attorney General's office, both directly and through the Attorney General's FBI Special Agents. With respect to the suspect, the Attorney General was continually advised as to developments in the investigation, handling, processing, incarceration, transportation security, psychiatric examination, presentment, etc. From time to time, as facts developed, the Attorney General relayed them to those in the Situation Room.

With respect to the suspect, the Attorney General instructed the FBI that: it should take the suspect into custody from the Washington Metropolitan Police Department at the earliest time; security should be at a maximum; the suspect should be taken to a secure detention facility (he was taken to the FBI Washington Field Office at Buzzards Point); if possible, a presentment should take place at Buzzards Point to avoid the risk of transportation; the suspect's ultimate incarceration should be at a maximum security facility; and a psychiatrist should be present at the incarceration facility to observe the suspect. Arrangements were made for temporary incarceration after presentment at the Marine Correctional Facility in Quantico, Virginia.

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*NO Document Description*

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2 REPORT

1 4/14/1981 B2

ATTORNEY GENERAL'S REPORT CONCERNING  
ASSASSINATION ATTEMPT ON PRESIDENT  
RONALD W. REAGAN  
294111

B7(C)  
B3  
B7(E)  
B6

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Freedom of Information Act - [5 U.S.C. 552(b)]

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At approximately 7:00 p.m. on March 30, 1981, the Vice President arrived at the Situation Room, having returned from Texas. At this point the President had just emerged from two and one-half hours of surgery. Dr. Dennis O'Leary of George Washington University Hospital announced that the President's prognosis was very good, that for precautionary purposes he was in the intensive care unit, and that he was conscious and in good spirits. The two injured officers, Secret Service Agent Timothy McCarthy and District Police Officer Thomas Delahante, were reported to be in reasonably good condition. (At approximately 6:30 p.m., the reports were that James Brady, Press Secretary to the President, had died at 4:55 p.m. Those in the Situation Room observed a moment of silence. These reports were later found to be erroneous.) Franklyn C. Nofziger, Assistant to the President for Political Affairs, served as White House spokesman from the hospital. Larry M. Speakes, Deputy Assistant Press Secretary to

the President, served as spokesman from the White House Press Room.

Those in the Situation Room then discussed the appropriate procedures to be followed. In view of the President's satisfactory condition and prognosis, it was determined that the theme should be "business as usual." A Cabinet meeting was scheduled for 9:00 a.m. the following day. A briefing of the Congressional leadership was scheduled for 10:00 a.m. The Vice President then asked to see the Attorney General in his West Wing office. The two of them proceeded to the Vice President's White House Office, where at the Vice President's request the Attorney General advised him of the procedures to be followed in the event of the temporary disability of the President.

The Attorney General then returned to his office at the Department of Justice, arriving at 8:27 p.m. Senator Howard Baker, the Senate Majority leader, had recently called. The Attorney General returned his call and discussed with him issues relating to the assassination attempt. The Attorney General left the Department of Justice for his apartment at the Jefferson Hotel at 8:50 p.m. The suspect was arraigned in Federal District Court in Washington, D.C. late that evening, with Director Webster and Mr. Giuliani in attendance. He was then transported to Quantico, Virginia, by car.

At the Cabinet meeting, the following morning, with the Vice President presiding, the Attorney General reviewed with the

Cabinet the various circumstances concerning the suspect, and his incarceration and processing. He also reviewed the preparations that had been made for a Presidential transition, which happily by that time appeared to be moot. Dr. O'Leary reported on the occurrences of the day before and the condition of the President and his prognosis, both of which were favorable. He also reported on the status of the others who were injured. Similar presentations were made in the Cabinet Room at 10:00 a.m. for Congressional leaders.

At the conclusion of the meeting with Congressional leadership, the Vice President asked the Attorney General to discuss a matter with him in his White House office. There he advised the Attorney General that the suspect's brother was an acquaintance of the Vice President's son and had previously scheduled a dinner engagement with his son for that night (FBI Director Webster had already advised the Attorney General of this fact), but that this was only the second time that the two had met. Admiral Daniel J. Murphy, Chief of Staff for the Office of the Vice President, was also present at this meeting. Thereafter, at the same meeting, but with the Vice President alone, the Attorney General discussed the intended resignation of United States Supreme Court Justice Potter Stewart.

The investigation into the circumstances of the shooting and the background of the suspect continued. The Attorney General received periodic written reports from the FBI on the status of

the investigation. The first such report, dated April 1, 1981, is set forth at Tab 2.

April 14, 1981

William French Smith  
Attorney General of the United States







United States Department of Justice  
Washington, D.C. 20530

ASSISTANT ATTORNEY GENERAL  
OFFICE OF LEGAL COUNSEL

3 APR 1981

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Documents Relevant to Presidential  
Succession in Time of Disability

We transmit herewith three documents prepared by this Office discussing the law and the practice relevant to presidential succession in time of presidential disability.

The first document (Tab A) is a Memorandum for the Attorney General, with appendices, describing in summary fashion the relevant constitutional and statutory provisions, the major questions of interpretation presented by them, and the practical and procedural considerations that must be taken into account in their implementation.

The second document (Tab B) is a Memorandum for the Attorney General, with attachment, containing a full legal analysis of the succession question, as well as an analysis of the delegability of presidential power in circumstances in which formal succession to power by the Vice President or his successors is inappropriate.

The third document (Tab C) is a Memorandum for the Attorney General containing a detailed historical discussion of the disabilities of former Presidents and of the arrangements that were made to deal with their disabilities.

Theodore B. Olson  
Office of Legal Counsel

TAB -- A

DISABILITY OF THE PRESIDENT AND SUCCESSION TO HIS DUTIES



United States Department of Justice  
Washington, D.C. 20530

3 APR 1991

ASSISTANT ATTORNEY GENERAL  
OFFICE OF LEGAL COUNSEL

MEMORANDUM FOR THE ATTORNEY GENERAL

DISABILITY OF THE PRESIDENT AND SUCCESSION TO HIS DUTIES

PURSUANT TO THE PROVISIONS OF ART. II, SEC. 1, CL. 5, OF THE CONSTITUTION, IN CASE OF THE "INABILITY" OF THE PRESIDENT "TO DISCHARGE THE POWERS AND DUTIES OF [HIS] OFFICE," THOSE POWERS SHALL DEVOLVE ON THE VICE PRESIDENT. [THE FULL TEXT OF THIS PROVISION IS ATTACHED HERETO AS APPENDIX 1.]

PURSUANT TO THE PROVISIONS OF SECTION 1 OF THE 25TH AMENDMENT, "IN CASE OF THE REMOVAL OF THE PRESIDENT FROM OFFICE OR OF HIS DEATH OR RESIGNATION, THE VICE PRESIDENT SHALL BECOME PRESIDENT." [THE FULL TEXT OF THE 25TH AMENDMENT IS ATTACHED HERETO AS APPENDIX 2].

PURSUANT TO SECTION 3 OF THE 25TH AMENDMENT, "WHENEVER THE PRESIDENT TRANSMITS TO THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES HIS WRITTEN DECLARATION THAT HE IS UNABLE TO DISCHARGE THE POWERS AND DUTIES OF HIS OFFICE, AND UNTIL HE TRANSMITS TO THEM A WRITTEN DECLARATION TO THE CONTRARY, SUCH POWERS AND DUTIES SHALL BE DISCHARGED BY THE VICE PRESIDENT AS ACTING PRESIDENT." [THE PROVISIONS OF SECTION 3 HAVE NEVER BEEN IMPLEMENTED.]

PURSUANT TO SECTION 4 OF THE 25TH AMENDMENT, "WHENEVER THE VICE PRESIDENT AND A MAJORITY OF EITHER THE PRINCIPAL OFFICERS OF THE EXECUTIVE DEPARTMENTS OR OF SUCH OTHER BODY AS CONGRESS MAY BY LAW PROVIDE, TRANSMIT TO THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES THEIR WRITTEN DECLARATION THAT THE PRESIDENT IS UNABLE TO DISCHARGE THE POWERS AND DUTIES OF HIS OFFICE, THE VICE PRESIDENT SHALL IMMEDIATELY ASSUME THE POWERS AND DUTIES OF THE OFFICE AS ACTING PRESIDENT." [THE PROVISIONS OF SECTION 4 HAVE NEVER BEEN IMPLEMENTED.] CONGRESS HAS NOT DESIGNATED ANY "OTHER BODY" TO EXERCISE THE AUTHORITY SPECIFIED IN SECTION 4. THEREFORE, THE OPERABLE LANGUAGE WOULD BE "THE VICE PRESIDENT AND A MAJORITY OF . . . THE PRINCIPAL OFFICERS OF THE EXECUTIVE DEPARTMENTS."

IF THE POWERS AND DUTIES OF THE PRESIDENCY ARE ASSUMED BY THE VICE PRESIDENT UNDER SECTION 3, THE PRESIDENT RESUMES HIS FULL POWERS BY TRANSMITTING A DECLARATION THAT HE IS ABLE TO DISCHARGE HIS DUTIES. THE SAME IS TRUE UNDER SECTION 4, EXCEPT THAT IN SUCH A CASE A MECHANISM IS PROVIDED FOR THE VICE PRESIDENT, THE CABINET AND THE CONGRESS TO OVERRIDE THE PRESIDENT. IN CASE OF SUCH A DISAGREEMENT OVER THE PRESIDENT'S DISABILITY UNDER SECTION 4, THE VICE PRESIDENT REMAINS ACTING PRESIDENT UNTIL THE ISSUE IS RESOLVED.

SECTION 19 OF TITLE 3 OF THE U.S. CODE [THE FULL TEXT OF WHICH IS ATTACHED AS APPENDIX 3] SETS FORTH THE STATUTORY LINE OF SUCCESSION FOR THE DEVOLUTION OF PRESIDENTIAL POWERS AFTER THE VICE PRESIDENT, AS AUTHORIZED BY ART. II, SEC. 1, CL. 5. THE STATUTE PROVIDES THAT THE SPECIFIED ORDER OF SUCCESSION APPLIES UPON DEATH, RESIGNATION, REMOVAL FROM OFFICE OR "INABILITY" OF AN INDIVIDUAL ACTING AS PRESIDENT. SECTION 19 SPECIFIES THAT THE "POWERS AND DUTIES OF THE OFFICE OF THE PRESIDENT", IF THERE IS NO VICE PRESIDENT ABLE TO DISCHARGE THEM, DEVOLVE FIRST UPON THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THEN UPON THE PRESIDENT PRO TEMPORE OF THE SENATE, THEN (IN THE ORDER SPECIFIED) UPON THE SECRETARY OF STATE, SECRETARY OF TREASURY, SECRETARY OF DEFENSE, ATTORNEY GENERAL, SECRETARY OF INTERIOR, SECRETARY OF AGRICULTURE, SECRETARY OF COMMERCE, SECRETARY OF LABOR, SECRETARY OF HEALTH AND HUMAN SERVICES, SECRETARY OF HOUSING AND URBAN DEVELOPMENT, SECRETARY OF TRANSPORTATION, SECRETARY OF ENERGY, AND SECRETARY OF EDUCATION.

The following additional considerations may be important in certain circumstances:

1. The Vice President does not have to take a new oath of office upon assuming the powers and duties of the President in the case of a President's inability to act. The Vice President assumes only the powers and duties of the President and the designation "Acting President" in these circumstances and does not become

President. The legislative history of the 25th Amendment and the actual language of the Amendment support this conclusion. The answer seems to be different and more complex in the case of the subsequent officers in the line of succession. Title 3, Section 19, treats the Legislative Branch successors somewhat differently than those in the Executive Branch. The technicalities of succession to temporary presidential authority are not considered herein beyond the Vice Presidential level.

2. The written declarations of disability and recovery specified in sections 3 and 4 of the 25th Amendment may consist of short letters framed in the constitutional terminology.
3. The phrase the "principal officers of the Executive Departments" in the 25th Amendment includes only those Cabinet members specified in Title 3, Section 19. Other "cabinet-level" officials might arguably be embraced but the far stronger position is that they are not.
4. The "transmittal" of the declarations contemplated by the 25th Amendment is the operative event to effect the transfer of authority rather than the receipt of the declaration by the addressees. Arguments in favor of the latter circumstance as the operative event are

not persuasive. Transmittal should be made both to the offices of the addressees and to them personally.

5. A single declaration with all the necessary signatures would not appear to be necessary under Section 4 of the 25th Amendment. While this would be the preferable course if all signatures were available, counterpart declarations would be an adequate alternative.
  
6. Under Section 4, actual physical signatures on the declarations would not appear to be necessary if, for example, the critical official was out of town or on board an aircraft. He could authorize another to affix his name. The imperatives of the situation would govern the approach taken, but if a prompt transfer of authority is necessary, the fastest genuine expression of endorsement would be appropriate.
  
7. Under Section 3, a voluntary Presidential declaration of disability should be signed personally by him if possible, but a reliable manifestation of his understanding and assent should suffice. In cases of doubt regarding his capacity to understand and assent, the section 4 procedure should be used.

Theodore B. Olson

APPENDIX 1

Article II, section 1, clause 5:

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law, provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.



## APPENDIX 2

### Amendment XXV:

*(Ratified February 10, 1967)*

**SECTION 1.** In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

**SECTION 2.** Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress:

**SECTION 3.** Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

**SECTION 4.** Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

APPENDIX 3

3 U.S.C. § 19:

§ 19. Vacancy in offices of both President and Vice President; officers eligible to act

(a)(1) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is neither a President nor Vice President to discharge the powers and duties of the office of President, then the Speaker of the House of Representatives shall, upon his resignation as Speaker and as Representative in Congress, act as President.

(2) The same rule shall apply in the case of the death, resignation, removal from office, or inability of an individual acting as President under this subsection.

(b) If, at the time when under subsection (a) of this section a Speaker is to begin the discharge of the powers and duties of the office of President, there is no Speaker, or the Speaker fails to qualify as Acting President, then the President pro tempore of the Senate shall, upon his resignation as President pro tempore and as Senator, act as President.

(c) An individual acting as President under subsection (a) or subsection (b) of this section shall continue to act until the expiration of the then current Presidential term, except that—

(1) if his discharge of the powers and duties of the office is founded in whole or in part on the failure of both the President-elect and the Vice-President-elect to qualify, then he shall act only until a President or Vice President qualifies; and

(2) if his discharge of the powers and duties of the office is founded in whole or in part on the inability of the President or Vice President, then he shall act only until the removal of the disability of one of such individuals.

(d)(1) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is no President pro tempore to act as President under subsection (b) of this section, then the officer of the United States who is highest on the following list, and who is not under disability to discharge the powers and duties of the office of President shall act as President: Secretary of State, Secretary of the Treasury, Secretary of Defense, Attorney General, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of Labor, Secretary of Health and Human Services, Secretary of Housing and Urban Development, Secretary of Transportation, Secretary of Energy, Secretary of Education.

(2) An individual acting as President under this subsection shall continue so to do until the expiration of the then current Presidential term, but not after a qualified and prior-entitled individual is able to act, except that the removal of the disability of an individual higher on the list contained in paragraph (1) of this subsection or the ability to qualify on the part of an individual higher on such list shall not terminate his service.

(3) The taking of the oath of office by an individual specified in the list in paragraph (1) of this subsection shall be held to constitute his resignation from the office by virtue of the holding of which he qualifies to act as President.

(e) Subsections (a), (b), and (d) of this section shall apply only to such officers as are eligible to the office of President under the Constitution. Subsection (d) of this section shall apply only to officers appointed, by and with the advice and consent of the Senate, prior to the time of the death, resignation, removal from office, inability, or failure to qualify, of the President pro tempore, and only to officers not under impeachment by the House of Representatives at the time the powers and duties of the office of President devolve upon them.

(f) During the period that any individual acts as President under this section, his compensation shall be at the rate then provided by law in the case of the President.

[Note: The language set forth above reflects the recent amendment of subsection (d) (1), adding the Secretaries of Energy and Education to the order of succession and renaming the Secretary of HEW.]

TAB -- B

PRESIDENTIAL SUCCESSION AND DELEGATION IN CASES  
OF DISABILITY



United States Department of Justice  
Washington, D.C. 20530

ASSISTANT ATTORNEY GENERAL  
OFFICE OF LEGAL COUNSEL

3 APR 1981

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Presidential Succession and Delegation in Cases  
of Disability

As a result of the recent assassination attempt on President Reagan, this Office has researched several issues that relate to presidential succession and the delegation of presidential power in the event of a temporary disability of the President. This memorandum sets forth our conclusions on the relevant legal issues.

I. Presidential Succession

The Twenty-Fifth Amendment to the United States Constitution establishes a mechanism for presidential succession in the event that the President becomes unable to perform his constitutional duties. Succession may take place in two ways. First, if the President is able and willing to do so, he may provide for the temporary assumption of the powers and duties of his office by the Vice President by "transmit[ting] to the President pro tempore of the Senate and the Speaker of the House his written declaration that he is unable to discharge the powers and duties of the President." See U.S. Const., Amend. XXV, § 3. When the President transmits such a declaration, his powers and duties devolve upon the Vice President as Acting President <sup>1/</sup> until the President transmits an additional written declaration stating that he has become able to perform his responsibilities.

<sup>1/</sup> There appears to be no requirement that the Vice President resign from his position as Vice President or take the President's oath of office to serve as "Acting President." As a general rule, an official who is "acting" in a certain capacity need not vacate the office previously held or take the oath of office ordinarily taken by the person whose duties he has temporarily assumed. This conclusion is supported by Hearings on Presidential Inability and Vacancies in the Office of Vice President Before the Subcomm. on Constitutional Amendments of the Senate Comm. on the Judiciary, 88th Cong., 2d Sess. 215, 232 (1965); Hearings on Presidential Inability and Vice Presidential Vacancy Before the House Comm. on the Judiciary, 89th Cong., 1st Sess. 87 (1965). See also J. Ferrick, The Twenty-Fifth Amendment 199 (1976). The rule as to resignation and/or taking the President's oath appears to be different for those officials further down the line of succession. See 3 U.S.C. § 19. This memorandum does not address the issues involved in the devolution of powers beyond the position of Vice President.

Second, if the President is unable or unwilling to transmit a declaration of his inability to perform his duties, the Vice President will become Acting President 2/ if the Vice President and a majority of the "principal officers of the executive departments" transmit to the President pro tempore of the Senate and the Speaker of the House a written declaration that the President is unable to discharge the powers and duties of his office. See U.S. Const., Amend. XXV, § 4. The term "principal officers of the executive departments" is intended to mean "the Cabinet," although the term "Cabinet" has no precise legal definition. 3/

2/ The Vice President will evidently continue to exercise the duties of Vice President while he serves as Acting President. The Vice President would, however, lose his title as President of the Senate. See 111 Cong. Rec. 3270 (1965) (Sen. Saltonstall); J. Ferrick, The Twenty-Fifth Amendment 199 (1965).

3/ See S. Rep. No. 66, 89th Cong., 1st Sess. 3 (1966). We believe that the "principal officers of the Executive departments," for purposes of the Twenty-Fifth Amendment, include the Secretary of State, Secretary of Treasury, Secretary of Defense, Attorney General, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of Labor, Secretary of Health and Human Services, Secretary of Housing and Urban Development, Secretary of Transportation, Secretary of Energy, and Secretary of Education. That conclusion is supported by the legislative history. See 111 Cong. Rec. 7938 (1965) (Rep. Waggoner); id. at 7941 (Rep. Poff); id. at 7944-45 (Rep. Webster); id. at 7952, 7954 (Rep. Gilbert). See also J. Ferrick, supra, at 202-203. See also 5 U.S.C. 101. As a practical matter, and in order to avoid any doubt regarding the sufficiency of any given declaration, it would be desirable to obtain the assent of a sufficient number of officials to satisfy any definition of the term "principal officers of the executive departments."

There is some indication that acting heads of departments may participate in the presidential disability determination. Although the legislative history is conflicting, the House Judiciary Committee's report supports this conclusion, see H.R. Rep. No. 203, 89th Cong., 1st Sess. 3 (1966), as do the Senate debates, see 111 Cong. Rec. 15380 (June 30, 1965) (Sen. Kennedy); id. at 12385 (July 6, 1965) (Sen. Javits); and a leading commentator on the Amendment reaches the same conclusion. See J. Ferrick, The Twenty-Fifth Amendment 203 (1976). Contra, 111 Cong. Rec. 3284 (Feb. 19, 1965) (Rep. Hart). The contrary view proceeds on the assumption that such a decision should be made only by persons whom the President personally selected for his Cabinet. Such persons are presumably intimately familiar with the President and are of relatively equal status with the other decisionmakers.

We have prepared drafts of appropriate declarations that might be utilized by the President or the appropriate officers pursuant to the provisions of sections 3 or 4 of the Twenty-Fifth Amendment. Copies of those drafts are attached.

If, during the period in which the Vice President is Acting President, pursuant to the provisions of Section 4 of the Twenty-Fifth Amendment, the President submits to the President pro tempore of the Senate and the Speaker of the House a written declaration that no inability exists, he will resume the powers of his office unless, within four days, the Vice President and a majority of the Cabinet heads transmit an additional written declaration stating that the President is unable to discharge his powers and duties. At that point, Congress must decide the issue within specified time limits. See U.S. Const., Amend. XXV, cl. 4. 4/

4/ Under the Amendment, we believe that there is no requirement that the requisite written declarations of disability be personally signed by the Vice President and a majority of the heads of executive departments. The only requirements are that their assent to the declaration be established in a reliable fashion and that they direct that their names be added to the document. Moreover, the Vice President and the Cabinet heads may send separate declarations if necessary. See Hearings on Presidential Inability and Vice Presidential Vacancy Before The House Comm. on the Judiciary, 89th Cong., 1st Sess. 79-80 (1965). Finally, we believe that under both sections 3 and 4 of the Amendment, the transfer of authority to the Vice President takes effect "immediately" when the declaration is transmitted or sent, and is not delayed until receipt of the document by the President pro tempore of the Senate and the Speaker of the House. Although the question is not free from doubt, the language and the history of the Amendment tend to support this conclusion. See S. Rep. No. 66, 89th Cong., 1st Sess. 12 (1965); H.R. Rep. No. 203, 89th Cong., 1st Sess. 13 (1965). But see H.R. Rep. No. 564, 89th Cong., 1st Sess. 3 (Statement of Managers on the Part of the House to the effect that "after receipt of the President's written declaration of his inability . . . such powers and duties would then be discharged by the Vice President as Acting President"). The better construction would allow the devolution of powers "immediately" (the word used in section 4 of the Twenty-Fifth Amendment) upon transmittal. No meaningful purpose would be served by awaiting the arrival of the document. The alternative construction allows a more rapid transition of presidential power when the national interests require it.

## II. Presidential Delegation

Under circumstances in which it is not considered necessary or appropriate to invoke the provisions of the Twenty-Fifth Amendment, it may nonetheless be desirable for the President to delegate certain powers to other officials, including the Vice President. Under statute, see 3 U.S.C. § 3001, and under the Constitution, see Myers v. United States, 272 U.S. 52, 117 (1926), the President has broad authority to delegate functions vested in him by law. At the same time the Constitution and certain statutory provisions impose limits on the President's power to confer his authority on subordinate officials. The nature and extent of those limits are considered in this section.

### A. Constitutional Limitations on the President's Power to Delegate his Functions.

As early as 1855, Attorney General Cushing articulated the general rule that the functions vested in the President by the Constitution are not delegable and must be performed by him. 7 Op. A.G. 453, 464-65 (1853). The Attorney General opined:

Thus it may be presumed that he, the man discharging the presidential office, and he alone, grants reprieves and pardons for offenses against the United States, not another man, the Attorney General or anybody else, by delegation of the President.

So he, and he alone, is the supreme commander-in-chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States. That is a power constitutionally inherent in the person of the President. No act of Congress, no act even of the President himself, can, by constitutional possibility, authorize or create any military officer not subordinate to the President.

So he appoints and removes ambassadors and other officers of the United States, in the cases and

with the qualifications indicated by the Constitution.

So he approves or disapproves of bills which have passed both Houses of Congress: that is a personal act of the President, like the vote of a Senator or a Representatives in Congress, not capable of performance by a Head of Department or any other person.

A study prepared by this Office in the 1950's reaches the same conclusions. This study and our research suggest that the following are nondelegable functions of the President:

1. The power to nominate and appoint the officers of the United States to the extent provided in Article II, § 2, cl. 2 of the Constitution.
2. The power to approve or return legislation pursuant to Art. I, § 7, cl. 2 and 3, and the power to call Congress into special session or to adjourn it according to Article II, § 3.
3. The power to make treaties by and with the advice and consent of the Senate. Article II, § 2, cl. 2. It should be noted, however, that the power to negotiate treaties and the power to enter into Executive agreements may be delegated. See 7 Op. A.G., supra, at 465.
4. The power to grant pardons.
5. The power to remove purely executive Presidential appointees. This power is vested in the President as an incident of his appointment power. Myers v. United States, 272 U.S. 52, 119 (1926).
6. The power to issue Executive Orders. Only the President can issue formal Executive orders and Proclamations. He can, however, delegate the power to issue many orders which cover substantially the same subject matter as Executive orders and Proclamations as long as they are not so named.
7. The powers of the President as Commander-in-Chief of the Army and Navy. Article II, § 2, cl. 1. In view of Article I, § 8, cl. 12 and 13, which state that Congress shall have the power to raise and support the Army and to provide and maintain a Navy, many of the



President's powers as Commander-in-Chief are statutory in part. To conclude that the President may not delegate his ultimate constitutional responsibilities as Commander-in-Chief is not to suggest that he is the only officer of the Government who may make military decisions in time of emergency, when immediate response may be necessary. The President may make formal or informal arrangements with his civilian and military subordinates, in order to ensure that the claim of command will function swiftly and effectively in time of crisis. Of course, every military officer must be subordinate to the President.

B. Statutory Limitations on the President's Power to Delegate his Functions.

The foregoing discussion sets forth the general rule that the President may not delegate inherent powers that are conferred on him by the Constitution. On the other hand, he may generally delegate powers that have been conferred on him by Congress. Congress has so provided in 3 U.S.C. § 301, which states:

The President of the United States is authorized to designate and empower the head of any department or agency in the executive branch, or any official thereof who is required to be appointed by and with the advice and consent of the Senate, to perform without approval, ratification, or other action by the President (1) any function which is vested in the President by law, or (2) any function which such officer is required or authorized by law to perform only with or subject to the approval, ratification, or other action of the President: Provided, That nothing contained herein shall relieve the President of his responsibility in office for the acts of any such head or other official designated by him to perform such functions. Such designation and authorization shall be in writing, shall be published in the Federal Register, shall be subject to such terms, conditions, and limitations as the President may deem advisable, and shall be revocable at any time by the President in whole or in part.

Congress has further provided, in 3 U.S.C. § 302, that:

The authority conferred by this chapter shall apply to any function vested in the President by law if such law does not affirmatively prohibit delegation of the performance of such function as herein provided for, or specifically designate the officer or officers to whom it may be delegated. This chapter shall not be deemed to limit or derogate from any existing or inherent right of the President to delegate the performance of functions vested in him by law, and nothing herein shall be deemed to require express authorization in any case in which such an official would be presumed in law to have acted by authority or direction of the President.

As a result of these statutes, the President is authorized to delegate any power vested in him by statute unless the statute "affirmatively prohibit[s] delegation." In our view, a statute should be construed as an "affirmative" prohibition of delegation only if it prohibits delegation expressly or by unmistakable implication. The purpose of sections 301 and 302 is to facilitate the functioning of the Executive by specifically authorizing delegation in the great majority of cases. To this end, section 301 states a general rule in favor of delegation. In light of the breadth of this general rule, the exception in section 302 should be narrowly construed. The same inference can be drawn from the fact that Congress took care in section 302 not to derogate from any "existing or inherent right of the President to delegate the performance of functions vested in him by law."

Statutes which do expressly or by unmistakable implication prohibit delegation are subject to the possible constitutional objection that the power to delegate is inherent in the Executive and may not be restricted by Congress. The issue is a difficult one and has never been resolved in court. In our view, the wiser course is to comply with any clear congressional intention to prohibit delegation, in order to avoid testing the limits of this constitutional question, unless circumstances imperatively require delegation.

In the brief time we have had to review the matter, we have discovered only a very few statutes that expressly or by unmistakable implication prohibit delegation. What follows is a description of categories of statutes that fall or may fall within this general class.

## 1. Statutes Explicitly Prohibiting Delegation

The clearest cases are those in which the statute explicitly prohibits delegation. An example is found in the Export Administration Act of 1979, 50 U.S.C. § 2403(e)(Supp. III 1979), which provides that:

The President may delegate the power, authority, and discretion conferred upon him by this Act to such departments, agencies, or officials of the Government as he may consider appropriate, except that no authority under this Act may be delegated to, or exercised by, any official of any department or agency the head of which is not appointed by the President, by and with the advice and consent of the Senate. The President may not delegate or transfer his power, authority, and discretion to overrule or modify any recommendation or decision made by the Secretary [of Commerce], the Secretary of Defense, or the Secretary of State pursuant to the provisions of this Act.

## 2. Statutes Conferring Nondelegable Functions

An unmistakable congressional intent to prohibit delegation may also be inferred from statutes that impose on the President a duty or power to exercise a nondelegable function. For example, it is commonly thought that only the President may issue an Executive Order or Proclamation. Statutes that authorize the President to take an action, but require him to act by way of Executive Order or Proclamation, can therefore be read as precluding delegation. An example is found in 22 U.S.C. § 441(a):

Whenever the President ... shall find that there exists a state of war between foreign states, and that it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, the President shall issue a proclamation naming the states involved; and he shall, from time to time by proclamation, name other states as and when they become involved in the war.

### 3. Statutes Implicitly Prohibiting Delegation

A broad range of statutes confer powers on the President but do not state in terms or in the legislative history whether those powers are delegable. In some instances, the character or importance of the powers in question, or other special circumstances, may constitute a sufficient indication of a legislative intent to prohibit delegation.

In the brief time available, we have been unable to reach any firm conclusions regarding particular statutes in this category. In general, it would appear that statutory powers that have been exercised by the President himself on a consistent and longstanding basis are more likely than others to be held nondelegable. An example might be the President's statutory power to enter into or terminate trade agreements with certain nations under 19 U.S.C. § 1351.

A second special circumstance that can give rise to an inference of nondelegability occurs when Congress gives authority to an agency but subjects that authority to a requirement of presidential approval. In this circumstance, it can be argued that a delegation of the President's approval authority back to the agency would subvert the evident legislative intent to assure review by someone outside the agency, while a delegation to anyone else would conflict with the congressional intent to centralize primary administrative responsibility in the agency. For an example of such a statute, see § 12(k) of the Securities Exchange Act of 1934, 15 U.S.C. § 78 1(k). 5/

### III. Delegable Functions

All remaining functions of the President may be delegated to subordinate officers. Many statutes explicitly authorize delegation. See, e.g., 22 U.S.C. § 2381 (delegation of certain foreign affairs powers). In the absence of specific authorization, the general delegation statute, 5 U.S.C. §§ 301, 302, explicitly authorizes delegation except where precluded by statute. It is beyond the scope of this memorandum to describe the full

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5/ We emphasize that the above examples are entirely tentative; it may well be that, upon further examination of the statutes and their legislative histories, this Office would conclude that Congress did not intend to prohibit delegation.

extent of the presidential powers and responsibilities that may be delegated. 6/ In general, powers which may be delegated include those of approval, authorization, and assignment; powers to establish and convene certain administrative commissions, to designate responsible officers, and to make certain factual determinations; powers to direct that certain actions be taken, to fix compensation of officers, to prescribe certain rules and regulations, and to make recommendations or reports.

It bears repetition that the President may not delegate his power to delegate his own functions. This is, in our view, a function that is constitutionally vested in the President personally. The President may delegate his powers if he is capable of a conscious decision to do so. If, however, he is incapable of such a decision, delegation cannot occur. If such a situation continues for a substantial period of time, it would appear desirable to initiate procedures for presidential succession under the Twenty-Fifth Amendment. 7/

#### IV. Form and Method of Delegation

Whenever a presidential function or power is delegable, it may be delegated to the head of any department or agency in the Executive Branch, or any official thereof, if the official is appointed with the advice and consent of the Senate. 3 U.S.C. § 301. By statute, such a delegation is ordinarily accomplished through the preparation and publication of a written order or memorandum. The relevant document is normally signed by the President personally; but there is no express statutory requirement

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6/ For a description of the President's general authority, see President's Council on Executive Organization, The Powers and Responsibilities of the President (1970).

7/ It might be possible for the President to delegate his powers contingent upon the occurrence of a specified event such as a certification by the President's personal physician that the President is temporarily incapable of making a conscious decision. We would emphasize, however, that this procedure should not be used if its effect is contrary to the intent of the procedures for presidential succession contained in the Twenty-Fifth Amendment.

to that effect. In our opinion, the relevant statutory requirements are satisfied as long as the President actually makes the delegation in question and causes an appropriate written memorial to be prepared and published. He need not sign the document by his own hand. See United States v. Fletcher, 148 U.S. 84 (1893); 7 Op. Att'y Gen. 453, 472-73 (1855); 22 Op. Att'y Gen. 82 (1898). Moreover, the statute does not purport to restrict the President's constitutional power to delegate his powers and functions. See 3 U.S.C. § 302. We believe that a President may determine in an exigent circumstance that it is necessary to delegate a power or function without immediate compliance with the normal formal requisites (i.e., publication of a written document). Such a delegation is effective if it is necessary to enable the President to discharge his constitutional duty.

Theodore B. Olson  
Office of Legal Counsel

ATTACHMENT

Sample letter invoking § 3, Amendment XXV

To the President pro tempore of the Senate and the Speaker of the House:

Dear [Mr. President] [Mr. Speaker]:

In accordance with the provisions of § 3 of the Twenty-Fifth Amendment to the United States Constitution, I hereby transmit to you my written declaration that I am presently unable to discharge the powers and duties of the Office of President of the United States. Pursuant to those provisions, the Vice President, George Bush, shall discharge those powers and duties as Acting President during the period of my disability.

Sincerely,

Ronald W. Reagan

Sample letter invoking § 4, Amendment XXV

To the President pro tempore of the Senate and the Speaker of the House:

Dear [Mr. President] [Mr. Speaker]:

In accordance with the provisions of § 4 of the Twenty-Fifth Amendment to the United States Constitution, we hereby transmit to you our written declaration that the President of the United States, Ronald W. Reagan, is presently unable to discharge the powers and duties of his office. Pursuant to those provisions, the Vice President, George Bush, shall discharge those powers and duties as Acting President.

Sincerely,

George Bush

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TAB -- C

PRIOR PRESIDENTIAL DISABILITIES



United States Department of Justice  
Washington, D.C. 20530

ASSISTANT ATTORNEY GENERAL  
OFFICE OF LEGAL COUNSEL

8 APR 1981

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Prior Presidential Disabilities

This is a summary of prior Presidential disabilities and the resulting effect on Presidential authority. 1/

1. James Madison suffered from a severe fever in the summer of 1813 in the midst of disputes with Congress on how to pay for the War of 1812. I. Brant, James Madison: 1812-1836, at 184-94 (1961). Daniel Webster reported at one point that Madison was too weak to read resolutions brought to his bedside. Id. at 186-87. Both Houses of Congress became "engrossed" for over a month in speculation on the succession, 2/ since the Vice President was aged and there was a vacancy in the position of President pro tempore of the Senate. J. Feerick, The Twenty-Fifth Amendment 4-5 (1976) (Feerick). Madison recovered, however, and no legislation was passed nor were formal arrangements for the delegation or transfer of power implemented.

1/ Material consulted included the New York Times, S. Rep. No. 66, 89th Cong., 1st Sess. (1965) and hearings held in 1958. Presidential Inability: Hearings on S.J. Res. 100, S.J. Res. 133, S.J. Res. 134, S.J. Res. 141, S.J. Res. 143, S.J. Res. 144, S. 238, and S. 3113 Before the Subcomm. on Constitutional Amendments of the Senate Comm. on the Judiciary, 85th Cong., 2d Sess. (1958) [hereinafter cited as 1958 Hearings]. A list of articles on presidential inability can be found in the 1958 Hearings, at 41-42.

2/ The first succession act was passed in 1792. Act of March 1, 1792, §§ 9-11, 1 Stat. 239. Unsuccessful efforts to change this statute occurred in 1820, 1856 and 1881.

2. William Henry Harrison was inaugurated on March 4, 1841 and died of pneumonia on April 4, 1841. His illness was so short that the question of inability apparently did not arise. 3/

3. James A. Garfield was wounded on July 2, 1881 by an assassin and died 80 days later on September 19, 1881. Vice President Chester A. Arthur did not act in his stead. Arthur refused to do so because of a fear, shared by many constitutional scholars of the time, that once he had assumed the powers and duties of the office, they would "devolve on the Vice President" permanently, leaving him unable to turn the reins back to the President. U.S. Const., art. II, sec. 1, cl. 6. See S. Rep. No. 66, at 26. Although the entire Cabinet believed Garfield to be unable to carry out his duties, 4/ four of them, including the Attorney General, agreed with Arthur's analysis. Secretary of State James G. Blaine was in fact criticized for attempting to usurp Presidential powers during Garfield's lengthy illness. 1958 Hearings, at 149-50. 5/

4. Grover Cleveland had two major operations for cancer of the mouth in July, 1893. He told almost no one, including Vice President Adlai Stevenson. The two operations took place on a friend's yacht, with Cleveland unconscious and strapped

3/ When Harrison died, Secretary of State Daniel Webster questioned whether the Constitution meant that Vice President John Tyler became "Acting President," rather than the President. Tyler disagreed and took the oath as President, thus establishing the "Tyler precedent" that the Vice President does succeed to the office of the President when the prior occupant dies.

The deaths of Zachary Taylor (July 9, 1850) and Abraham Lincoln (April 15, 1865) were apparently so swift that their Vice Presidents (Millard Fillmore, Andrew Johnson) assumed control without trouble.

4/ Garfield was able to conduct only one minor piece of business -- the signing of an extradition paper.

5/ Arthur, who succeeded Garfield, suffered from an increasingly debilitating kidney disease while in office. Although he gradually reduced his schedule, he does not appear to have become completely incapacitated.

to a chair propped against the mast. Ferrick, supra, at 11-12. The complete secrecy was due to fears that the country might suffer an economic panic if it knew the President had cancer. The truth was apparently suppressed until 1917. 6/

5. William McKinley was wounded on Friday, September 6, 1901. He underwent emergency surgery and his doctors issued optimistic statements about his recovery. So positive was the outlook that Vice-President Theodore Roosevelt and the Cabinet members who had gathered in Buffalo over the weekend began to disperse. M. Leech, In the Days of McKinley 598-99 (1959). "[T]he Vice-President was so firmly convinced that the emergency was over that he went to join his family at a camp in the Adirondacks, twelve miles from telegraph or telephone." Id. When McKinley began to fail, a guide was sent up into the mountains to fetch Roosevelt. Although he rushed back, Roosevelt arrived to take the oath of office twelve hours after McKinley's death on September 14.

6. Woodrow Wilson was incapacitated from a stroke for about eight months of his second term. At no time did Vice President Thomas R. Marshall attempt to take over. See 1958 Hearings, at 19. The hesitation was due to a fear that such action would be viewed as an effort to oust Wilson permanently. When he recovered, Wilson forced Secretary of State Lansing, who had called Cabinet meetings and suggested that Marshall take over as Acting President, to resign, charging him with disloyalty. Id.

7. Franklin Roosevelt was in declining health during his last year in office; and died on April 12, 1945. Vice President Harry S Truman had had only two conversations with Roosevelt since the inauguration, neither dealing with disability. Perhaps as a reaction to this, Truman supported a new succession statute, Act of June 25, 1948, 62 Stat. 677 (1948).

8. Dwight D. Eisenhower suffered three major illnesses while in office - a heart attack (1955), ileitis (1956) and a "mild" stroke (1957). From the first, Vice President Richard

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6/ It was the death of Cleveland's first Vice President, Thomas A. Hendricks, in 1885, while Congress was out of session, which accelerated passage of the Presidential Succession Act, 24 Stat. 1 (1886).

Nixon consulted with the Cabinet and developed a procedure for relaying important matters to the President. A White House request for an opinion on the temporary delegation of presidential power was not acted upon because Attorney General Brownell felt there were sufficient legal arrangements in place to handle day-to-day operations.

Eisenhower was very troubled by the implications of the disability problem during each of his illnesses. He asked the Department of Justice to study the problem and recommend a solution, urged Congress to act, and entered into an informal agreement with Mr. Nixon. Ferrick, supra at 20-22. The agreement provided that:

1. In the event of inability the President would -- if possible -- so inform the Vice President, and the Vice President would serve as Acting President, exercising the powers and duties of the office until the inability had ended.

2. In the event of an inability which would prevent the President from so communicating with the Vice President, the Vice President, after such consultation as seems to him appropriate under the circumstances, would decide upon the devolution of the powers and duties of the office and would serve as Acting President until the inability had ended.

3. The President, in either event, would determine when the inability had ended and at that time would resume the full exercise of the powers and duties of the Office.

S. Rep. No. 66, at 27. 7/ Although Congress did hold hearings,

7/ See also N.Y. Times, March 4, 1958, at 1, col. 2. Presidents Kennedy and Johnson entered into similar agreements with their vice-presidents. S. Rep. No. 66, at 27; N.Y. Times, Jan. 28, 1965, at 13, col. 1. The Johnson-Humphrey agreement was identical to the Eisenhower-Nixon agreement. The Kennedy agreement differed only in that it urged the Vice-President to consult with the Cabinet and the Attorney General "as a matter of wisdom and sound judgment." Id.

hearings, no permanent action was taken. 8/

9. Lyndon B. Johnson was hospitalized four times, the first time being for a major bout with the flu (January 23-27, 1965). 9/ In October, 1965 Johnson was hospitalized for gall bladder surgery. 10/ He was anesthetized for three to four hours, after which Press Secretary Moyers announced that Johnson was again able to make Presidential decisions. 11/

The same pattern was repeated in November, 1967 when Johnson underwent simultaneous surgery for a polyp on his vocal cord and repair of a ventral hernia. He was anesthetized for about an hour and a half. Note was made of the agreement that could make Humphrey "Acting President" and columnist Tom Wicker urged that the 25th Amendment be ratified.

In December, 1968, Johnson was again hospitalized for the flu. The papers, however, said little other than that he worked on government papers on one day of his stay.

10. Richard M. Nixon was hospitalized from July 12-20, 1973 for viral pneumonia. The President's press office said that he would be able to do necessary work and that he was not sick enough to require the Vice President to make special arrangements. In an interview, Vice President Spiro T. Agnew

8/ See 1958 Hearings and Hearings before the Special Subcommittee to Study Presidential Disability of the House Committee on the Judiciary, 84th Cong., 2d Sess. (1956).

9/ At the time, Vice President Hubert H. Humphrey stated that there had been discussions of when he would take over and a copy of the Johnson-Humphrey accord was made available to the press on January 28. See n.7 and text.

10/ The accord was again noted by the press and columnist Arthur Krock urged the states to ratify the Twenty-Fifth Amendment.

11/ Citing recent history, Johnson had urged Congress to act on the disability problem in his State of the Union address in January, 1965. The proposed Twenty-Fifth Amendment was sent to the states in July, 1965.

said that there was no agreement between the President and him on what to do in the event of Nixon's disability and that the issue had never been discussed.

Although there were persistent rumors about Nixon's health during the months prior to his resignation, the only White House announcement was an acknowledgement that the President suffered from phlebitis. The operation on his leg did not occur until September 23, 1974, after his resignation.

11. Jimmy Carter's scheduled surgery for hemorrhoids in late December, 1978 was cancelled. Preparations for the Vice President to assume power under section 3 of the Twenty-Fifth Amendment were also cancelled.

Larry L. Simms  
Acting Assistant Attorney General  
Office of Legal Counsel





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3 REPORT

2 4/1/1981 B2

ATTORNEY GENERAL'S REPORT CONCERNING  
ASSASSINATION ATTEMPT ON PRESIDENT  
RONALD W. REAGAN - TAB 2  
294111

B7(C)  
B3  
B6

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Freedom of Information Act - [5 U.S.C. 552(b)]

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C. Closed in accordance with restrictions contained in donor's deed of gift.

The Attorney General

April 1, 1981

Director, FBI

JOHN WARNOCK HINCKLEY, JR.  
PRESIDENT REAGAN - VICTIM  
ASSAULTING THE PRESIDENT

On 3/30/81,

At approximately 2:27 p.m. at the VIP entrance of the Washington Hilton Hotel on Florida Avenue near 1919 Connecticut Avenue, N. W., subject, subsequently identified as John Warnock Hinckley, Jr.; date of birth: May 27, 1955, Ardmore, Oklahoma; SSAN [REDACTED]; and described as a white male, height 5' 10", blue eyes and brown hair, approached the Presidential party and apparently fired six rounds from a weapon described as RG 14L731332, .22 caliber [this weapon is in possession of the Federal Bureau of Investigation (FBI)].

The President received a wound in the chest area. Also shot was Presidential Press Secretary James Brady, who received a serious facial wound. Further wounded was United States Secret Service (USSS) Agent Tim McCarthy, who received a stomach wound, and Metropolitan Police Department (MPD) Officer Thomas Delahaney.

FBI Command Center was instituted at 2:45 p.m. and an open telephone line established with the Washington Field Office (WFO) and Williamsburg, Virginia, location of the Director. [REDACTED] was present. WFO Agents were immediately dispatched to the crime scene and subsequently to George Washington Hospital and Washington Hospital Center, the locations of all the victims, and to the MPD, the location of subject.

Subsequently, open telephonic communication was obtained with the White House Situation Room and telephonic contact was established with the Dallas and Denver Divisions of the FBI regarding background information developed concerning the subject.

Subject Hinckley had no record in FBI Headquarters indices, National Crime Information Center (NCIC) or Denver Division indices and record checks of all military services were negative. Subject did have a record with the Colorado Bureau of Investigation concerning a drug investigation which was, in essence, a name check type record.


The Attorney General



The weapon used by the subject was purchased by him on October 13, 1980, at The Rocky Police Equipment Company, 2018 Elm Street, Dallas, Texas. There is no NCIC record for the weapon. The address given at the time of purchase of the weapon was 2401 Tenth Street, Lubbock, Texas.

The processing of the Presidential limousine, the clothes of the President, and the clothes of the victims has been done.

The temporary address of the subject was Park Central Hotel, 18th Street, N. W., Washington, D. C. Investigation at the Park Central Hotel, which is across from the USSS Headquarters, determined that Hinckley paid for his room in cash for two days and provided an address of 3728 McKinney, Dallas, Texas.

Memphis Division of the FBI advised that a search of indices determined that subject tried to board an aircraft at Nashville on October 9, 1980, which was an American Airlines flight to New York City, with two .22 caliber pistols and one .38 caliber revolver in his baggage. Subject was taken to a police department for handling, with the disposition being a \$50 fine and \$12.50 in court fees.  advised that former President Carter was in Nashville on October 9, 1980, campaigning and that former Vice President Mondale had been in Nashville on October 7-8, 1980, campaigning.

Additional background developed concerning subject at Colorado determined he was a patient of Dr. John Hopper, Psychiatrist, 2800 Meadow Drive, Evergreen, Colorado, and as recently as March 25, 1981, was a patient of Dr. Darryl Benjamin, Westland Bank Building, Lakewood, Colorado. Both of the above were interviewed and disclosed that subject was a patient but would disclose no other information. There is no record of subject having been institutionalized in the state of Texas. Doctor Hopper had advised the father to force the subject to become independent by furnishing no additional contributions for his support. This advice occurred recently.

## The Attorney General

With regard to the six bullets allegedly fired by the subject, we have recovered one bullet removed from the President during surgery, two fragments were removed from Mr. Brady which are now in our possession, additional bullet fragments on T Street across from where the shooting took place, and we will be obtaining bullet fragments from the USSS Agent and the MPD officer. The bullet recovered from the surgery on the President determined it had been lodged in the lower left lung, possibly as a result of ricochet and the bullet was bent upon entry. The President's vehicle has been processed and it appears there were two separate impact areas on the vehicle, one near the right rear panel of the vehicle and another near the right rear window.

Investigation conducted by the Denver FBI Office included interview of Jack Hinckley and Joanne Hinckley, subject's parents, at Evergreen, Colorado. The father is President of Vanderbilt Energy Corporation, Denver, Colorado, and son, Scott Brook Hinckley, subject's brother, is Vice President of the same corporation.

Hinckley is described by his father as a loner who has never held a steady job and attended one college, Texas Tech, Lubbock, Texas, having last attended during the summer of 1980. According to his father, the subject is one to two semesters from graduation and has majored in journalism.

His father further advised he supplied money to his son on a regular basis and his son has told his father that he is afraid of the real world and did not like Evergreen, Colorado, because he could not develop friends. Subject has a conservative political outlook, has never been involved in politics, and was pro-President Reagan. According to his father he has never attended or belonged to any groups or clubs nor has he ever talked of any interest in guns. The subject has a girl friend, whose name is unknown, residing in California and is employed in the entertainment industry possibly as a dancer.

The subject most recently was very upset by the murder of John Lennon, an ex-Beatle. The subject previously obtained Lennon's autograph and attended Lennon's memorial service in New York.

Approximately one month ago, the father advised the subject that he had to get a job and three weeks ago subject left the family home in Evergreen and remained for ten days at the Golden Hour, Lakewood, Colorado. Registration card confirmed his stay March 8-23, 1981. Subject's mother, on either March 25, 1981, or March 26, 1981,

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4	REPORT	1	4/1/1981	B2 B7(C) B3 B7(D) B6
	ATTORNEY GENERAL'S REPORT CONCERNING ASSASSINATION ATTEMPT ON PRESIDENT RONALD W. REAGAN - TAB 2 294111			

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C. Closed in accordance with restrictions contained in donor's deed of gift.

The Attorney General

transported him to Stapleton International Airport, where he was to fly to an unknown city in California at a cost of \$80 to \$88. Investigation determined that a "J. Hinckley" left Denver at 11:30 a.m., March 25, 1981, via Western Flight 45 to Salt Lake City and then Western Flight 257 to Los Angeles arriving at 1:50 p.m.

Subject is characterized by his brother, Scott Brook Hinckley, as a nonachiever who has never been able to hold a job and has always been dependent on his parents. Scott and the brother have never been close.

Subject has no arrest record in the Denver area. A vehicle belonging to subject was located at the parent's residence, a 1977 Plymouth four-door, white, bearing Texas license [REDACTED] registered to the subject at address 1612 Avenue Y, Apartment 303B, Lubbock.

Information was received by the Chicago FBI from [REDACTED] member of the National Socialist Party (NSP), that subject was a member from spring, 1978, to the fall, 1979. Subject's membership terminated because subject wanted to shoot people and was considered a "nut" by fellow members of the NSP. Information received from Special Agent [REDACTED] disclosed that [REDACTED] member of the Neo Nazi Party of America, advised subject had been a member but was dismissed because of his aberrant behavior.

A search of the Hinckley residence, Evergreen, Colorado, and subject's vehicle revealed the following items recovered which include several books concerning the life and background of President Reagan; numerous articles from newspapers concerning the assassination attempt on former Governor Wallace and assassination of former President Kennedy; right-wing literature in the form of pamphlets and booklets; copy of a book entitled "An Assassin's Diary;" two boxes of Norma brand rifle ammunition 6.5 x 55 caliber, 156 grains with 15 rounds gone; an empty box for an RG #14 revolver, serial number L784463; numerous human silhouette and bull's eye targets with bullet holes; a set of ear shooting protectors; numerous checking accounts and several receipts for what appears to have been purchases of weapons; one diary in which subject wrote remarks indicating he is a hypochondriac; a Polaroid photograph of subject holding a revolver to his temple; and other photographs of subject holding a revolver and a rifle; and numerous gas receipts.

A search warrant was executed by our WFO at 9:45 p.m., March 30, 1981, for Park Central Hotel, 705 18th Street, N. W., for the room registered to the subject. Items found in the hotel room

## The Attorney General

were the box for the weapon the subject used; .22 caliber ammunition, 35 hollow point rounds and two round nose rounds; various airline tickets; Washington, D.C., newspaper spread open to the page with the President's itinerary; and an unmailed, hand-written letter to Jody Foster, actress, in which the subject states he is going to kill President Reagan within an hour to impress her and to which the subject signed his full name. Also found were books entitled "Killer Next Door," "The Fox Is Crazy Too," and "The Skyjacker."

The WFO has interviewed 65 witnesses to the assault which include USSS Agents, news media personnel, and MPD officers. All physical evidence has been recovered and furnished to the FBI Laboratory and includes clothes worn by the President, the Press Secretary, USSS Agent McCarthy, bullet fragment from the President's body, four fragments from Brady's body, and one bullet fragment from McCarthy's body.

At approximately 1:48 a.m., March 31, 1981, the subject was incarcerated at the previously arranged facility. There were no problems in transport and per the arraignment of the subject, a hearing was scheduled for 10:00 a.m., April 2, 1981. Prior to subject departing for incarceration, urine, blood, and hair samples were taken by consent of the subject.

Investigation conducted at Dallas developed background on subject. Subject purchased at Rocky's Police Equipment, Dallas, two identical pistols one of which was the weapon subject used on March 30, 1981.

Subject purchased additional weapons at Lubbock, Texas, at Galaxy Pawn Shop on July 16, 1980, a .22 caliber rifle and on August 7, 1979, a .38 caliber revolver. At Empire Pawn Shop on July 18, 1980, subject purchased two boxes of .22 caliber ammunition. At Whiplash's Pawn Shop, subject purchased two .22 caliber revolvers.

Information was developed concerning subject's attendance at Texas Tech University which spanned a period of time from August 29, 1973, through the summer of 1980. Numerous residences were listed on admissions records. Residences in Lubbock, Texas, were verified with subject being described as "reserved type," "quiet," and "momma's boy."

Subject's sister interviewed at Dallas, Texas, and described subject as very passive, introverted loner type, never violent, who considered himself a writer-journalist.

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5	REPORT	1	4/1/1981	B2
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	ASSASSINATION ATTEMPT ON PRESIDENT			B3
	RONALD W. REAGAN - TAB 2			B6

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The Attorney General

The summary of Washington Field Office (WFO), FBI activities regarding John W. Hinckley, Jr., March 30 - 31, 1981:

March 30, 1981

<u>TIME</u>	<u>EVENTS</u>
4:48 p.m.	Hinckley first contacted by FBI Agents at MPD Homicide. Hinckley was advised that he was being placed under arrest for violation of Title 18, United States Code (USC), Section 1751.
4:51 p.m.	Hinckley, with FBI Agents, departed MPD Homicide for processing at Central Cell Block, MPD.
4:53 p.m.	Hinckley processed by MPD.
5:18 p.m.	Hinckley departed MPD en route to the FBI WFO.
5:28 p.m.	Hinckley arrived WFO. Perimeter security maintained.
5:36 p.m.	Hinckley furnished with Advise of Rights form and orally advised of his rights at WFO.
5:41 p.m.	Hinckley executed Advise of Rights form.
5:42 p.m.	Hinckley advised by interviewing Agents concerning family attorney Joe Bates, Dallas, Texas, and that Bates was providing name of attorney Vince Fuller, Washington, D. C., to represent him. Attempts made to contact Fuller.
6:02 p.m.	One blue jump suit provided Hinckley. One armored vest also provided Hinckley.
6:06 p.m.	FBI Laboratory examiners arrive and take custody of Hinckley's clothing.
6:16 p.m.	WFO attempts to contact Hinckley's parents by request at [REDACTED]
7:06 p.m.	Hinckley furnished with hamburger and coke.
7:25 p.m.	WFO continuing efforts to contact Hinckley's parents and interview terminated.

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The Attorney General

- 7:28 p.m. Attorneys Ed Wilhite and Stewart Johnson arrive WFO.
- 7:39 p.m. Doctor William J. Brownlee arrived WFO to examine Hinckley.
- 8:23 p.m. Attorney Wilhite spoke to Hinckley.
- 8:28 p.m. Doctor Brownlee telephones prescription to local drug store for Hinckley.
- 8:29 p.m. Hinckley telephonically speaks with his father.
- 8:36 p.m. Hinckley terminates call with his father.
- 8:40 p.m. Attorneys Wilhite and Johnson began interview with Hinckley.
- 9:40 p.m. Interview by attorneys Wilhite and Johnson terminated.
- 9:48 p.m. WFO Agents return with filled prescription for Hinckley and pills given as prescribed.
- 9:50 p.m. Fingerprints obtained from Hinckley.
- 10:20 p.m. Depart WFO with Hinckley en route to United States District Court, Washington, D. C. Security maintained in courthouse by FBI and United States Marshals Service personnel.
- 10:37 p.m. Doctor Michael Daniels, Washington Hospital Center, obtained blood and urine sample from Hinckley.
- 11:52 p.m. United States Magistrate initial hearing begins.

MARCH 31, 1981

- 12:30 a.m. Magistrate hearing terminated.
- 12:46 p.m. Hinckley escorted from United States District Courthouse, Washington, D. C., en route to United States Marine Corps Correctional Facility, Quantico, Virginia.
- 1:37 a.m. Hinckley turned over to United States Marshal [REDACTED] United States Marine Corps Correctional Facility, Quantico, Virginia, by Special Agents [REDACTED] Receipt for Hinckley obtained. Marshal [REDACTED] provided two copies of statement of Doctor William J. Brownlee concerning Hinckley.

## The Attorney General

The following is a brief and nontechnical summary of the results of analyses conducted in the FBI Laboratory on items collected from the shooting scene, the hospital emergency rooms, and items seized pursuant to a search of Room 310 at the Park Central Hotel:

The bullets recovered from President Reagan and USSS Agent McCarthy are .22 Long Rifle caliber copper-coated lead bullets consistent with Cascade Cartridge Incorporated (CCI) Manufacture. These were identified as having been fired from the .22 caliber RG Industries revolver recovered from the suspect. Traces of black lacquer and gray primer were identified on the Reagan bullet which are consistent with the paint and primer on the Presidential limousine. There is an impact area on the right rear quarter panel of the presidential limousine near the right rear door. The six expended .22 caliber CCI cartridge cases found in the RG Industries revolver recovered from the suspect were determined to have been fired in that weapon. Bullets or bullet fragments were recovered from: (1) President Reagan; (2) McCarthy; (3) Brady; (4) DeLahaney; (5) an impact area from the Universal Building; and (6) from the vicinity of an impact area on the right rear door window glass of the Presidential limousine.

Preliminary tests performed on blood and urine specimens taken from the suspect detected no ethyl alcohol nor the presence of drugs of abuse.

During the search of the room registered to the suspect at the Park Central Hotel, among numerous documents containing handwriting seized were a handwritten letter dated March 30, 1981, describing reasons for a desire to "get Reagan," signed "John Hinckley"; a handprinted hijack threat; and a postcard of the President and the First Lady with handwritten references to the Reagans and the White House. (Enclosed are photographs of the documents previously described.)

Also enclosed is a photograph of the subject, taken by the FBI's WFO.

During the period of March 30-31, 1981, while the subject was in FBI custody he made no statements regarding his involvement in the assassination attempt.

JV

THE WHITE HOUSE  
WASHINGTON

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TR00301

February 25, 1985

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MEMORANDUM FOR DICK HAUSER

FROM: Larry Speakes

We continue to receive press inquiries on our response to the Cleveland Plain Dealer story about the Antenucci family, the survivors of the man who jumped on John Hinckley. The stories center on what the family believes they were promised by representatives of the White House and has played prominently in Cleveland, with the latest inquiry from NBC News.

PW

MA

PR007

Whether the family's claims are legitimate or not does not matter. We have a PR problem which is making the President look insensitive and ungrateful and we should do something soon as this could figure in a network news story.

As I see it we have several options:

- 1) Invite the Antenucci family to lunch with the President.
- 2) Take action to have an appropriate medal presented posthumously to Mr. Antenucci.
- 3) Have the President write to Mr. Antenucci's family.
- 4) Have the President call the Antenucci family.

We can make the President look good by saying that once he heard of their disappointment, he directed that (whatever) be done.

I'll appreciate your thoughts on how to proceed.

cc: Donald T. Regan ✓  
Ed Rollins  
Sherrie Cooksey  
Mark Weinberg