

**File #:**

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**Serial Scope:**

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The Attorney General UNITED STATES SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES

Ref made to let from Senate Select Committee, dtd 3/19/75, req documents & other info from FBI. Attached for ur approval & forwarding to Committee is original of memo which responds to Committee's req for table of contents of FBI MOR & FBI MOR & those portions of Manuals which pertain to internal security, intelligence collectn, and/or CI matters, ops or activities. A copy of memo encl for ur records. Processing of additional req continuing & further responses will be forthcoming.

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273-10071

MANUAL OF RULES AND REGULATIONS

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## A. GENERAL GUIDELINES.

## 1. Investigative jurisdiction

FBI investigations under this section are based on specific statutory jurisdiction and Departmental instructions.

Investigations conducted under this section are to be directed to the gathering of material pertinent to a determination whether or not the subject has violated, or is engaged in activities which may result in a violation of, one or more of the statutes enumerated below; or in fulfillment of Departmental instructions.

There are three principal statutes which provide a basis for these investigations, as follows:

## a. Rebellion or insurrection (T18, USC § 2383).

"Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and shall be incapable of holding any office under the United States."

## b. Seditious conspiracy (T18, USC § 2384).

"If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined not more than \$20,000 or imprisoned not more than twenty years, or both."

## c. Advocating the overthrow of the Government (T18, USC § 2385).

"Whoever knowingly or willfully advocates, abets, advises, or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the government of the United States or the government of any State, Territory, District or Possession thereof, or the government of any political subdivision therein, by force or violence, or by the assassination of any officer of any such government; or

"Whoever, with intent to cause the overthrow or destruction of any such government, prints, publishes, edits, issues, circulates, sells, distributes, or publicly displays any written or printed matter advocating, advising, or teaching the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence, or attempts to do so; or

"Whoever organizes or helps or attempts to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any such government by force or violence; or becomes or is a member of, or affiliates with, any such society, group, or assembly of persons, knowing the purposes thereof--

"Shall be fined not more than \$20,000 or imprisoned not more than twenty years, or both, and shall be ineligible for employment by



the United States or any department or agency thereof, for the five years next following his conviction.

"If two or more persons conspire to commit any offense named in this section, each shall be fined not more than \$20,000 or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction.

"As used in this section, the terms 'organizes' and 'organize', with respect to any society, group, or assembly of persons, include the recruiting of new members, the forming of new units, and the regrouping or expansion of existing clubs, classes, and other units of such society, group, or assembly of persons."

The courts have interpreted this statute to require advocacy to action, i.e., advocacy to do something, now or in the future, rather than merely to believe in something.

In addition to the three principal statutes outlined above, there are two other statutes which might provide a statutory foundation for an investigation under this section. These are:

- d. [Internal Security Act of 1950 (T 50, USC, § 783a)

In addition to the three principal statutes outlined in subparagraphs a., b., and c., the Internal Security Act could provide a statutory basis for investigation of certain cases under this Section. This Act makes it unlawful to knowingly contribute to the establishment of a totalitarian dictatorship within the United States which is controlled by a foreign government, organization, or individual.]

2. Prosecutive determination

All discussions pertaining to the prosecutive potential of investigations initiated under this section will be conducted by FBIHQ with Departmental officials. These cases should not be discussed with local U. S. Attorney's office without FBIHQ approval.

3. Related statutes

There are a number of other statutes under the FBI's investigative jurisdiction which should be borne in mind in handling these investigations. Information concerning possible violations of such statutes is frequently developed during these investigations. Where this occurs the field should consider the desirability of conducting investigation in line with the policies and procedures governing the statute in question.

A list of other Federal statutes which may arise during these investigations is outlined in an appendix to this manual.

4. Definitions

The term "subversive activities" as used in this section denotes activities which are aimed at overthrowing, destroying or undermining the Government of the United States or any of its political subdivisions by the illegal means prohibited by statutes enumerated in A. 1. above. The term "subversive organization" or "subversive movement" denotes a group or movement which is known to engage in or advocate subversive activities, as defined above.

## 5. Predication for investigation

In all cases handled under the provisions of this section, the first communication prepared for outside dissemination (report or LHM) should show specifically the statute upon which the investigation is based together with necessary supporting facts. Where investigation has been specifically requested by Department, this should be indicated. The following examples are illustrative; however, the basis for each individual case must be tailored to the circumstances of such case.

- a. "This investigation is based on information that the subject's activities could involve violation of T 18, USC, § 2383 (Rebellion or Insurrection), and § 2384 (Seditious Conspiracy). A source whose reliability has not been determined has informed that the subject is planning, along with others, to travel to Washington, D. C., on April 30, 1971, to participate in planned violent demonstrations during the first week in May, 1971, to 'shut down the Government.' Demonstration plans include the blocking of streets and highways, destruction of personal and Government property, and physical obstruction to prevent Government employees from reporting to work."
- b. "This investigation is based on information that the subject's activities could involve a violation of T 18, USC, § 2385 (Advocating the overthrow of the Government). The subject is an admitted member (or has been identified as a member by a confidential source who has provided reliable information in the past) of (name of group). The (name of group) in its public statements and publications advocates the desirability and necessity of overthrowing the U. S. Government by force or violence, and the assassination of U. S. Government officers. The same source has reported that the subject actively supports these positions."

Where possible, the first intra-Bureau communication prepared which indicates that investigation is being [conducted] should specifically indicate the statutory basis for the investigation. However, there may be occasions involving individuals or groups in contact with known subversive elements where the purpose of the contact is not initially known and where a preliminary inquiry must be made to determine whether a statutory basis exists for full investigation. In these instances, a preliminary inquiry may be undertaken, through established sources, for a period not to exceed 90 days, without specifically indicating the specific statutory basis for the inquiry. If after the conclusion of 90 days it has not been possible to establish a statutory basis but further inquiry appears necessary, FBIHQ must be furnished a succinct summary of the facts by letter together with specific recommendations as to further action. In all cases, of course, investigations must be based on indications that subject may be engaged in subversive activity, whether or not a specific statutory basis is cited.

In the event preliminary inquiries fail to establish a sound basis for investigation, the case should be promptly closed and there is no need to advise FBIHQ (unless FBIHQ has been previously advised of the inquiry). Nor is there any need to prepare an LHM or report where no pertinent subversive derogatory information has been developed.

If the statutory basis for an investigation should change or be expanded to include an additional statute or statutes, the first communication prepared subsequent to such change or expansion should specifically show such changes. Similarly, this information should be included in the next report or LHM prepared in the case.

