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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 NOI & 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.

