

TITLE 10
CIVIL RIGHTS DIVISION

Intentional Blank Page

TABLE OF CONTENTS

	Page
General	1
Statutes Administered by Division.....	2
Investigations of Civil Rights Complaints.....	2
Mediation.....	3
Voting and Elections.....	3
Government protection of voting rights through civil action.....	4
Voting referees.....	5
Production of federal election records.....	6
Government protection of voting rights and the elective process through criminal prosecution.....	6
Federal election laws.....	6.1
Filing provisions under Corrupt Practices Act.....	6.2
Procedure for investigation and trial.....	7
Preliminary investigations.....	7
Full investigations.....	7
Prosecution.....	7
Trial.....	7
Bombing.....	7
Flight to avoid prosecution.....	8
Interstate transportation of explosives.....	8
Threats and false reports.....	8
Sentence in Criminal Cases.....	10.1
Commitment preceding final judgment.....	10.2
Setting of parole eligibility date.....	11
Sentence during state imprisonment.....	12
Fines and costs.....	12
Reduction of sentence.....	12
Youth Corrections Act.....	13
Probation.....	13
Indeterminate sentence not exceeding 6 years.....	13
Indeterminate sentence exceeding 6 years.....	14
Commitment for observation and study.....	14
Commitment without regard to the Act.....	14
Juvenile delinquents not committable as youth offenders.....	14
Release of committed youth offenders.....	15
Juvenile Delinquency.....	15
Form of consent.....	15
The juvenile and counsel.....	16
Form of information.....	16
Judgment.....	16
Deferred prosecution of juveniles.....	17
Diversion to state authorities.....	17

(III)

June 1, 1967

IV

TITLE 10: CIVIL RIGHTS DIVISION

	Page
Mentally Incompetent Defendants.....	18
Examination—hearing—commitment.....	18
Competency recovered—trial.....	19
Mental incompetency undisclosed at trial.....	20
Duration of custody.....	20
Parole.....	21
Exceptions.....	21
Reports to Board of Parole.....	22
Period of supervision.....	23
Violator warrants.....	23
Probation.....	24
Authority to grant.....	24
Limitation.....	25
Advantage of suspending imposition.....	25
Time of grant.....	25
Effective date of probation.....	25
Revocation.....	26
Production of Prisoners for Prosecution or Testimony.....	26
Prosecution of prisoner in federal court.....	26
Procedure for producing federal prisoner in federal court.....	27
Procedure for producing state prisoner in federal court.....	27
Production of prisoners from Alcatraz.....	28
Production of prisoner to testify in civil action.....	28
Procedure for producing federal prisoner in state court.....	28
Habeas Corpus.....	30
Availability of writ.....	30
Procedure in habeas corpus actions.....	30
Miscellaneous Matters.....	31
Obstruction of justice.....	31
Obstruction of court orders.....	31
Threatening communications.....	32

June 1, 1967

DISCLAIM

Due to the poor quality of the print original, there may be some problems with pagination and missing pages.

Digital Services, DOJ Libraries, May 15, 2014

TITLE 10: CIVIL RIGHTS DIVISION

visions though they carry a criminal penalty. Any complaints of violations of these provisions should be referred to the Civil Rights Division, and no investigative or other action should be taken with respect thereto by the United States Attorney.

Procedure for Investigation and Trial.—In all matters arising under the Civil Rights Act of 1957, and in all election and voting matters arising under 18 U. S. C. 241 and 242, the Hatch Act, Corrupt Practices Act, and related provisions in Chapter 29, U. S. C., the following procedures apply:

Preliminary Investigations.—The FBI is authorized to conduct preliminary investigations into all complaints without the necessity of prior authorization from the Civil Rights Division or the United States Attorney. Complaints coming to the United States Attorney should be promptly referred to the FBI, and the Civil Rights Division should be advised immediately. The United States Attorney, upon completion of the preliminary investigation, should forward his views to the Civil Rights Division. It is particularly important that complaints and information under the Civil Rights Act of 1957 be called to the attention of the Civil Rights Division without delay.

Full Investigation.—A full investigation should not be requested without prior approval of the Civil Rights Division. If tangible evidence, such as ballots, ballot books, and tally sheets may likely be destroyed under state law or otherwise, the United States Attorney may, without prior authorization, petition the court for an order impounding such material.

Prosecution.—No court action or grand jury investigation should be instituted without prior approval of the Civil Rights Division.

Trial.—The Civil Rights Division will prepare pleadings and other legal documents in connection with the trial and preparation for trial of cases under the Civil Rights Act of 1957. It will also provide personnel to assist at the trial of such cases. It will also, on request, prepare pleadings and other legal documents in other types of election and voting cases. Copies of all pleadings prepared and filed by the United States Attorney should be sent to the Civil Rights Division.

BOMBING

Title II of the Civil Rights Act of 1960 adds three new offenses to Title 18 U.S.C. The first involves flight to avoid prosecution. The second involves interstate transportation of explosives. The third involves use of the mail, telephone, telegraph, or other instrument of interstate commerce to convey any threat or false information concerning an alleged attempt to damage or destroy any property.

TITLE 10: CIVIL RIGHTS DIVISION

Flight To Avoid Prosecution.—A new Code section, 18 U.S.C. 1074, has been added immediately following the already enacted Fugitive Felon Act. This new provision makes it a federal offense for any person to leave a state to avoid prosecution, custody or confinement under the laws of that state for having willfully damaged or attempted to damage by fire or explosive any building, structure, facility or vehicle. The section also punishes such flight to avoid giving testimony in any criminal proceeding relating to any such offense.

Cases arising under Section 1074 should be handled in the same manner as complaints under Section 18 U.S.C. 1073. (See U.S. Attorneys' Manual, Title 10, pp. 7-9.)

Interstate Transportation of Explosives.—Subsection (b) of 18 U.S.C. 837, added to the Code by Title II, punishes interstate transportation of any explosive or related material "with the knowledge or intent that it will be used to damage or destroy any building or other real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civic objectives or of intimidating any person pursuing such objectives."

New subsection (c) provides that possession of an explosive "in such a manner as to evince an intent to use, or the use of, such explosive, to damage or destroy any building or other real or personal property . . ." creates a rebuttable presumption of interstate transportation.

Congress has clearly indicated in subsection (e) of § 837 that it has not intended to displace the primary responsibility of state and local authorities to investigate and prosecute the type of offense with which subsection (b) is concerned. Accordingly, in the absence of special Department authorization, no request for investigation for violation of this section should be initiated. When local authorities have requested federal assistance, the United States Attorney should obtain prior authorization from the Department, before requesting the FBI to conduct an investigation. Full details of the request by local authorities and the reasons for requesting an FBI investigation should be immediately forwarded to the Civil Rights Division in all cases except those arising from labor disputes. Violations of these provisions relating to labor disputes should be referred to the Criminal Division. No prosecution should be initiated without authorization from the Division.

Threats and False Reports.—Subsection (d) of § 837 punishes as a misdemeanor any use of the mails or any instrumentality of interstate commerce to convey "any threat, or false information knowing the same to be false, concerning an attempt or alleged attempt being

TITLE 10: CIVIL RIGHTS DIVISION

made, or to be made, to damage or destroy any building or other . . . property for the purpose of interfering with its use." The need for this provision arose primarily from threatening telephone calls made during racial disputes. Frequently the administrators of a school which was being desegregated in compliance with the Constitution would receive anonymous telephone calls that a bomb was in the school set to go off. The resulting evacuation of the school and search for the explosive would considerably disrupt the educational program. Accordingly, Congress has made it a federal offense to use the mails or any instrumentality of interstate commerce to convey such a threat or false report. However, like subsection (b) of § 837, this subsection is qualified by the congressional purpose expressed in subsection (e) that local authorities shall not be deprived of their jurisdiction. Accordingly, absent special authorization from the Department, no request for investigation for violation of this subsection should be initiated. When local authorities have requested federal assistance, the United States Attorney should obtain prior authorization from the Department, before requesting the FBI to conduct an investigation. Full details of the request by local authorities and the reasons for requesting an FBI investigation should be immediately forwarded to the Civil Rights Division. No prosecution should be initiated without authorization from the Division.

June 1, 1967

TITLE 10: CIVIL RIGHTS DIVISION

Form 1. Report on Convicted Prisoner by United States Attorney

Form No. USA-792
(Rev. Oct. 1955)

REPORT ON CONVICTED PRISONER BY UNITED STATES ATTORNEY

Name _____ Court Docket No. _____
 Offense _____ Viol: Title _____ Sec. _____
 Date sentenced _____ Term imposed _____
 Fine: (Committed - Not Committed) _____ Ples _____
 Maximum term and fine possible _____
 Trial Judge _____ Defense Attorney _____
 District _____ City _____

1. Give date and full details of offense committed, including any aggravating or mitigating circumstances. (Continue on separate sheet if necessary.)

Instructions:

This form is to be completed in triplicate, with two copies for the Warden or Superintendent of the institution to which prisoner is committed, and one copy to be retained. Promptness in completing and forwarding this report to the institution is essential as the information it contains is needed by the staff for security evaluation and program planning. Full information is especially needed on details of the offense. (Item No. 1.) If possible, the report should be completed and given to the U.S. Marshal to be included with the commitment papers for delivery to the institution with the prisoner. If not completed in time for delivery by the Marshal, it should be completed as soon thereafter as possible and mailed to the institution. The Board of Parole will appreciate receiving a subsequent report of any other facts or information which may be relevant to parole decisions and which come to your attention after this report is filed.

November 1, 1959

TITLE 10: CIVIL RIGHTS DIVISION

2. Codefendants and associates (if any) and sentences imposed. If known, give name of institution to which committed.
3. Is prisoner wanted by you or other authorities for additional offenses, or for deportation? By whom? For what? Give specific information.
4. Was prisoner of assistance to the Government? Explain fully.
5. Do you regard the prisoner as a menace to society, an habitual criminal, or occasional offender, a victim of temptation, or a mental case?
6. Additional information pertinent to the determination of suitability for parole.
(For example: trials on probation, if any, and outcome; criminal associations - extensive, slight, other; reputable associations and influences; extent of public injury; public reaction to offense - hostile, neutral, approving, other; other types of information not covered in these suggestions.)
7. U. S. Attorney's comment relative to parole.
8. Judge's comment relative to parole.

Signed _____ Date _____
United States Attorney

November 1, 1959