

4 DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

4 April 30, 1947

4 George T. Washington, Acting Solicitor General

4 Investigative jurisdiction of the FBI under various appropriation acts making it a crime for any person advocating the overthrow of the Government of the United States by force or violence, to accept employment with the United States

*Group # 217
By memorandum dated April 24, 1947, with reference to subject VIOLET OSTROFF, with alias Vi Ostroff, you asked my advice as to the agency of the Government which has investigative jurisdiction of alleged violations of the provisions presently contained in various appropriation acts. From your reference to the case entitled "Bertram Bakerman, Law Clerk, United States District Court, Southern District of New York, Internal Security - Hatch Act," I assume that you refer to the type of provision contained in the appropriation act involved in Bakerman's case, namely, section 601 of Public Law 61, 79th Congress, 1st session, reading:

10 No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence; Provided, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence; Provided further, That any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment, the salary or wages for which are paid from any appropriation contained in this Act, shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both; Provided further, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Pursuant to 5 U.S.C. 300, the FBI has responsibility "for the detection and prosecution of crimes against the United States." Absent a specific statute empowering another agency of the Government to investigate named violations, e.g., the Secret Service of the Treasury Department in connection with counterfeiting (18 U.S.C. 148), the FBI has jurisdiction to

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investigate violations of law under any criminal statute of the United States. Since section 601 defines a crime against the United States and no specific provision is made for its investigation, the FBI has jurisdiction to detect any violations of the section. Likewise, the FBI has jurisdiction to conduct investigations under appropriation acts containing the same or similar provisions as section 601 of Public Law 61.