

TITLE 18.—CRIMINAL CODE AND CRIMINAL PROCEDURE

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Part 1.—CRIMES

Chapter 1.—OFFENSES AGAINST EXISTENCE OF GOVERNMENT.

Sec.
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Section 1. (Criminal Code, section 1.) Treason.—Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason. (R. S. § 5331; Mar. 4, 1909, c. 321, § 1, 35 Stat. 1088.)

2. (Criminal Code, section 2.) Same; punishment.—Whoever is convicted of treason shall suffer death; or, at the discretion of the court, shall be imprisoned not less than five years and fined not less than \$10,000, to be levied on and collected out of any or all of his property, real and personal, of which he was the owner at the time of committing such treason, any sale or conveyance to the contrary notwithstanding; and every person so convicted of treason shall, moreover, be incapable of holding any office under the United States. (R. S. § 5332; Mar. 4, 1909, c. 321, § 2, 35 Stat. 1088.)

3. (Criminal Code, section 3.) Misprision of treason; punishment.—Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be imprisoned not more than seven years and fined not more than \$1,000. (R. S. § 5333; Mar. 4, 1909, c. 321, § 3, 35 Stat. 1088.)

4. (Criminal Code, section 4.) Inciting rebellion or insurrection.—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 imprisoned not more than ten years, or fined not more than \$10,000, or both; and shall, moreover, be incapable of holding any office under the United States. (R. S. § 5334; Mar. 4, 1909, c. 321, § 4, 35 Stat. 1088.)

5. (Criminal Code, section 5.) Criminal correspondence with foreign governments; redress of private injuries ex-

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cepted.—Every citizen of the United States, whether actually resident or abiding within the same, or in any place subject to the jurisdiction thereof, or in any foreign country, without the permission or authority of the Government, directly or indirectly, commences or carries on any verbal or written correspondence or intercourse with any foreign government or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the Government of the United States; and every person, being a citizen of or resident within the United States or in any place subject to the jurisdiction thereof, and not duly authorized, counsels, advises, or assists in any such correspondence with such intent, shall be fined not more than \$5,000 and imprisoned not more than three years; but nothing in this section shall be construed to abridge the right of a citizen to apply, himself or his agent, to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects. (R. S. § 5335; Mar. 4, 1909, c. 321, § 5, 35 Stat. 1088.)

6. (Criminal Code, section 6.) Seditious conspiracy.—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 \$5,000, or imprisoned not more than six years, or both. (R. S. § 5336; Mar. 4, 1909, c. 321, § 6, 35 Stat. 1089.)

7. (Criminal Code, section 7.) Recruiting for service against United States.—Whoever recruits soldiers or sailors within the United States, or in any place subject to the jurisdiction thereof, to engage in armed hostility against the same, or opens within the United States, or in any place subject to the jurisdiction thereof, a recruiting station for the enlistment of such soldiers or sailors to serve in any manner in armed hostility against the United States, shall be fined not more than \$1,000 and imprisoned not more than five years. (R. S. § 5337; Mar. 4, 1909, c. 321, § 7, 35 Stat. 1089.)

8. (Criminal Code, section 8.) Enlisting to serve against United States.—Every person enlisted or engaged within the United States or in any place subject to the jurisdiction thereof, with intent to serve in armed hostility against the United States, shall be fined \$100 and imprisoned not more than three years. (R. S. § 5338; Mar. 4, 1909, c. 321, § 8, 35 Stat. 1089.)

Chapter 2.—OFFENSES AGAINST NEUTRALITY.

Sec.

21. Accepting commission to serve against friendly power.
22. Enlisting in foreign service; exceptions.
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31. Enforcement of neutrality; withholding clearance papers from vessels.
32. Same; detention of armed vessels.
33. Same; sending out armed vessel with intent to deliver to belligerent nation.
34. Same; statement from master that cargo will not be delivered to other vessels.
35. Same; forbidding departure of vessels.
36. Same; unlawful taking of vessel out of port.
37. Same; internment of persons belonging to armed land or naval forces of belligerent nation; arrest; punishment for aiding escape.
38. Enforcement of sections 22, 25, 27, and 31 to 37 of this title.
39. Same; United States defined; jurisdiction of offenses; prior offenses; partial invalidity of provisions.

Section 21. (Criminal Code, section 9.) Accepting commission to serve against friendly power.—Every citizen of the United States who, within the territory or jurisdiction thereof, accepts and exercises a commission to serve a foreign prince, state, colony, district, or people, in war, by land or by sea, against any prince, state, colony, district, or people, with whom the United States are at peace, shall be fined not more than \$2,000 and imprisoned not more than three years. (R. S. § 5281; Mar. 4, 1909, c. 321, § 9, 35 Stat. 1089.)

22. (Criminal Code, section 10, amended.) Enlisting in foreign service; exceptions.—Whoever, within the territory or jurisdiction of the United States, enlists or enters himself, or hires or retains another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the United States with intent to be enlisted or entered in the service of any foreign prince, state, colony, district, or people as a soldier or as a marine or seaman on board of any vessel of war, letter of marque, or privateer shall be fined not more than \$1,000 and imprisoned not more than three years: *Provided*, That this section shall not apply to citizens or subjects of any country engaged in war with a country with which the United States is at war, unless such citizen or subject of such foreign country shall hire or solicit a citizen of the United States to enlist or go beyond the jurisdiction of the United States with intent to enlist or enter the service of a foreign country. Enlistments under this proviso shall be under regulations prescribed by the Secretary of War. (R. S. § 5282; Mar. 4, 1909, c. 321, § 10, 35 Stat. 1089; May 7, 1917, c. 11, 40 Stat. 39.)

23. (Criminal Code, section 11.) Arming vessels against friendly powers; forfeiture of vessel.—Whoever, within the territory or jurisdiction of the United States, fits out and arms, or attempts to fit out and arm, or procures to be fitted out and armed, or knowingly is concerned in the furnishing, fitting out, or arming of any vessel, with intent that such vessel shall be employed in the service of any foreign prince, or state, or of any colony, district, or people, to cruise, or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, or whoever issues or delivers a commission within the territory or jurisdiction of the United States for any vessel, to the intent that she may be so employed, shall be fined not more than \$10,000 and imprisoned not more than three years. And every such vessel, her tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores which may have

been procured for the building and equipment thereof, shall be forfeited; one half to the use of the informer and the other half to the use of the United States. (R. S. § 5283; Mar. 4, 1909, c. 321, § 11, 35 Stat. 1090.)

24. (Criminal Code, section 12.) Augmenting force of foreign armed vessel.—Whoever, within the territory or jurisdiction of the United States, increases or augments, or procures to be increased or augmented, or knowingly is concerned in increasing or augmenting, the force of any ship of war, cruiser, or other armed vessel which, at the time of her arrival within the United States, was a ship of war, or cruiser, or armed vessel, in the service of any foreign prince or state, or of any colony, district, or people, or belonging to the subjects or citizens of any such prince or state, colony, district, or people, the same being at war with any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, by adding to the number of the guns of such vessel, or by changing those on board of her for guns of a larger caliber, or by adding thereto any equipment solely applicable to war, shall be fined not more than \$1,000 and imprisoned not more than one year. (R. S. § 5285; Mar. 4, 1909, c. 321, § 12, 35 Stat. 1090.)

25. (Criminal Code, section 13, amended.) Organizing military expedition against friendly power.—Whoever, within the territory or jurisdiction of the United States or of any of its possessions, knowingly begins or sets on foot or provides or prepares a means for or furnishes the money for, or who takes part in, any military or naval expedition or enterprise to be carried on from thence against the territory or dominion of any foreign prince or state, or of any colony, district, or people with whom the United States is at peace, shall be fined not more than \$3,000 or imprisoned not more than three years, or both. (R. S. § 5286; Mar. 4, 1909, c. 321, § 13, 35 Stat. 1090; June 15, 1917, c. 30, Title V, § 8, 40 Stat. 223.)

26. (Criminal Code, section 14.) Enforcement by courts; employment of land or naval forces.—The district courts shall take cognizance of all complaints, by whomsoever instituted, in cases of captures made within the waters of the United States, or within a marine league of the coasts or shores thereof. In every case in which a vessel is fitted out and armed, or attempted to be fitted out and armed, or in which the force of any vessel of war, cruiser, or other armed vessel is increased or augmented, or in which any military expedition or enterprise is begun or set on foot, contrary to the provisions and prohibitions of this chapter; and in every case of the capture of a vessel within the jurisdiction or protection of the United States as before defined; and in every case in which any process issuing out of any court of the United States is disobeyed or resisted by any person having the custody of any vessel of war, cruiser, or other armed vessel of any foreign prince or state, or of any colony, district, or people, or of any subjects or citizens of any foreign prince or state, or of any colony, district, or people, it shall be lawful for the President, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, for the purpose of taking possession of and detaining any such vessel, with her prizes, if any, in order to enforce the execution of the prohibitions and penalties of this chapter, and the restoring of such prizes in the cases in which restoration shall be adjudged; and also for the purpose of preventing the carrying on of any such expedition or enterprise from the territory or jurisdiction of the United States against the territory or dominion of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace. (R. S. § 5287; Mar. 4, 1909, c. 321, § 14, 35 Stat. 1090.)

27. (Criminal Code, section 15, amended.) Compelling foreign vessels to depart.—It shall be lawful for the President to