

TITLE 18.—CRIMINAL CODE AND CRIMINAL PROCEDURE

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Chapter 1.—OFFENSES AGAINST EXISTENCE OF GOVERNMENT

Sec.	Chapter 1.—OFFENSES AGAINST EXISTENCE OF GOVERNMENT
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16.	Same; rules and regulations.
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§ 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. (Mar. 4, 1909, ch. 321, § 1, 35 Stat. 1088.)

DERIVATION

R. S. § 5331, which was revised from act Apr. 30, 1790 ch. 9, 1 Stat. 112, and repealed by act Mar. 4, 1909, ch. 321 § 341, 35 Stat. 1153.

§ 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. (Mar. 4, 1909, ch. 321, § 2, 35 Stat. 1088.)

DERIVATION

R. S. § 5332, which was revised from act July 17, 1862, ch. 195, 12 Stat. 589, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 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. (Mar. 4, 1909, ch. 321, § 3, 35 Stat. 1088.)

DERIVATION

R. S. § 5333, which was revised from act Apr. 30, 1790, ch. 9, 1 Stat. 112, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 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. (Mar. 4, 1909, ch. 321, § 4, 35 Stat. 1088.)

DERIVATION

R. S. § 5334, which was revised from act July 17, 1862, ch. 195, 12 Stat. 500, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

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

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, who, 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, who 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. (Mar. 4, 1909, ch. 321, § 5, 35 Stat. 1088; Apr. 22, 1932, ch. 126, 47 Stat. 132.)

DERIVATION

R. S. § 5335, which was revised from act Jan. 30, 1799, ch. 1, 1 Stat. 613, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 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. (Mar. 4, 1909, ch. 321, § 6, 35 Stat. 1089.)

DERIVATION

R. S. § 5336, which was revised from acts July 31, 1861, ch. 83, 12 Stat. 284; Apr. 20, 1871, ch. 22, 17 Stat. 13, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 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. (Mar. 4, 1909, ch. 321, § 7, 35 Stat. 1089.)

DERIVATION

R. S. § 5337, which was revised from act Aug. 6, 1861, ch. 56, 12 Stat. 317, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 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. (Mar. 4, 1909, ch. 321, § 8, 35 Stat. 1089.)

DERIVATION

R. S. § 5338, which was revised from act Aug. 6, 1861, ch. 56, 12 Stat. 317, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 9. Subversive activities; undermining loyalty, discipline, or morale of armed forces.

(a) It shall be unlawful for any person, with intent to interfere with, impair, or influence the loyalty, morale, or discipline of the military or naval forces of the United States—

(1) to advise, counsel, urge, or in any manner cause insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the United States; or

(2) to distribute any written or printed matter which advises, counsels, or urges insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the United States.

(b) For the purposes of this section, the term "military or naval forces of the United States" includes the Army of the United States, as defined in section 2 of Title 10, the Navy, Marine Corps, Coast Guard, Naval Reserve, and Marine Corps Reserve of the United States; and, when any merchant vessel is commissioned in the Navy or is in the service of the Army or the Navy, includes the master, officers, and crew of such vessel. (June 28, 1940, ch. 439, title I, § 1, 54 Stat. 670.)

SEPARABILITY CLAUSE

Section 40 of act June 28, 1940, cited to text, provided as follows: "If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby."

SHORT TITLE

Section 41 of act June 28, 1940, cited to text, provided: "This Act (sections 9-13 of this title and sections 137, 155, 156a, 451-460 of Title 8, Aliens and Nationality) may be cited as the 'Alien Registration Act, 1940.'"

§ 10. Same; advocating overthrow of Government by force.

(a) It shall be unlawful for any person—

(1) to knowingly or willfully advocate, abet, advise, or teach the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence, or by the assassination of any officer of any such government;

(2) with the intent to cause the overthrow or destruction of any government in the United States, to print, publish, edit, issue, circulate, sell, distribute, or publicly display 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;

(3) to organize or help to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any government in the United States by force or violence; or to be or become a member of, or affiliate with, any such society, group, or assembly of persons, knowing the purposes thereof.

(b) For the purposes of this section, the term "government in the United States" means the Government of the United States, the government of any State, Territory, or possession of the United States, the government of the District of Columbia, or the government of any political subdivision of any of them. (June 28, 1940, ch. 439, title I, § 2, 54 Stat. 671.)

SEPARABILITY CLAUSE; SHORT TITLE

Separability clause and short title, see note to section 9 of this title.

§ 11. Same; attempting or conspiring to commit prohibited acts.

It shall be unlawful for any person to attempt to commit, or to conspire to commit, any of the acts prohibited by the provisions of sections 9–13 of this title. (June 28, 1940, ch. 439, title I, § 3, 54 Stat. 671.)

SEPARABILITY CLAUSE; SHORT TITLE

Separability clause and short title, see note to section 9 of this title.

§ 12. Same; searches and seizures.

Any written or printed matter of the character described in section 9 or section 10 of this title, which is intended for use in violation of this act,¹ may be taken from any house or other place in which it may be found, or from any person in whose possession it may be, under a search warrant issued pursuant to the provisions of sections 611–633 of this title. (June 28, 1940, ch. 439, title I, § 4, 54 Stat. 671.)

¹See sections 9–13 of this title and sections 137, 155, 156a, 451–460 of Title 8, Aliens and Nationality.

SEPARABILITY CLAUSE; SHORT TITLE

Separability clause and short title, see note to section 9 of this title.

§ 13. Same; penalties.

(a) Any person who violates any of the provisions of sections 9–13 of this title shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned for not more than ten years, or both.

(b) No person convicted of violating any of the provisions of sections 9–13 of this title shall, during the five years next following his conviction, be eligible for employment by the United States, or by any department or agency thereof (including any corporation the stock of which is wholly owned by the United States). (June 28, 1940, ch. 439, title I, § 5, 54 Stat. 671.)

SEPARABILITY CLAUSE; SHORT TITLE

Separability clause and short title, see note to section 9 of this title.

§ 14. Organizations carrying on subversive political and civilian military activities; definitions.

For the purposes of sections 14–17 of this title—

(a) The term "Attorney General" means the Attorney General of the United States;

(b) The term "organization" means any group, club, league, society, committee, association, political party, or combination of individuals, whether incorporated or otherwise, but such term shall not include any corporation, association, community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes;

(c) The term "political activity" means any activity the purpose or aim of which, or one of the purposes or aims of which, is the control by force or overthrow of the Government of the United States or a political subdivision thereof, or any State or political subdivision thereof;

(d) An organization shall be deemed to be engaged in "civilian military activity" if (1) it gives instruction to, or prescribes instruction for, its members in the use of firearms or other weapons or any substitute therefor, or military or naval science, or (2) it receives from any other organization or from any individual instruction in military or naval science, or (3) it engages in any military or naval maneuvers or activities, or (4) it engages, either with or without arms, in drills or parades of a military or naval character, or (5) it engages in any other form of organized activity which in the opinion of the Attorney General constitutes preparation for military action; and

(e) An organization shall be deemed "subject to foreign control" if (1) it solicits or accepts financial contributions, loans, or support of any kind, directly or indirectly, from, or is affiliated directly or indirectly with, a foreign government or a political subdivision thereof, or an agent, agency, or instrumentality of a foreign government or political subdivision thereof, or a political party in a foreign country, or an international political organization, or (2) its policies, or any of them, are determined by or at the suggestion of, or in collaboration with, a foreign government or political subdivision thereof, or an agent, agency, or instrumentality of a foreign government or a political subdivision thereof, or a political party in a foreign country, or an international political organization. (Oct. 17, 1940, ch. 897, § 1, 54 Stat. 1201.)

SEPARABILITY AND EFFECTIVE DATE

Sections 5 and 6 of act October 17, 1940, cited to text, which act enacted sections 14-17 of this title, provided as follows:

"Sec. 5. If any provision of this Act (adding sections 14-17 of this title), or the application thereof to any person or circumstances, is held invalid, the remainder of the act (adding sections 14-17 of this title), and the application of such provisions to other persons or circumstances, shall not be affected thereby.

"Sec. 6. This Act (sections 14-17 of this title) shall take effect on the ninetieth day after the date of its enactment, except that prior to such ninetieth day the Attorney General may make, amend, or rescind such rules and regulations as may be necessary to carry out the provisions of this Act (sections 14-17 of this title)."

§ 15. Same; registration—(a) Organizations required to register.

The following organizations shall be required to register with the Attorney General as hereinafter provided:

- (1) Every organization subject to foreign control which engages in political activity;
- (2) Every organization which engages both in civilian military activity and in political activity;
- (3) Every organization subject to foreign control which engages in civilian military activity; and
- (4) Every organization, the purpose or aim of which, or one of the purposes or aims of which, is the establishment, control, conduct, seizure, or overthrow of a government or subdivision thereof by the use of force, violence, military measures, or threats of any one or more of the foregoing.

Every such organization shall register by filing with the Attorney General, on such forms and in such detail as the Attorney General may by rules and regulations prescribe, a registration statement containing the information and documents prescribed in subsection (c) and shall within thirty days after the expiration of each period of six months succeeding the filing of such registration statement, file with the Attorney General, on such forms and in such detail as the Attorney General may by rules and regulations prescribe, a supplemental statement containing such information and documents as may be necessary to make the information and documents previously filed under this section accurate and current with respect to such preceding six months' period. Every statement required to be filed by this section shall be subscribed, under oath, by all of the officers of the organization.

(b) Organizations exempt from registration.

Nothing in subsection (a) shall be deemed to require registration or the filing of any statement with the Attorney General by (1) the armed forces of the United States, or (2) the organized militia or National Guard of any State, Territory, District, or possession of the United States, or (3) any law-enforcement agency of the United States or of any Territory, District, or possession thereof, or of any State or political subdivision of a State, or of any agency or instrumentality of one or more States, or (4) any duly established diplomatic mission or consular office of a foreign government which is so recognized by the Department of State, or (5) any nationally recognized organization of persons who

are veterans of the armed forces of the United States, or affiliates of such organizations.

(c) Registration statements.

Every registration statement required by subsection (a) to be filed by any organization shall contain the following information and documents:

- (1) The name and post-office address of the organization in the United States, and the names and addresses of all branches, chapters, and affiliates of such organization;
- (2) The name, address, and nationality of each officer, and of each person who performs the functions of an officer, of the organization, and of each branch, chapter, and affiliate of the organization;
- (3) The qualifications for membership in the organization;
- (4) The existing and proposed aims and purposes of the organization, and all the means by which these aims or purposes are being attained or are to be attained;
- (5) The address or addresses of meeting places of the organization, and of each branch, chapter, or affiliate of the organization, and the times of meetings;
- (6) The name and address of each person who has contributed any money, dues, property, or other thing of value to the organization or to any branch, chapter, or affiliate of the organization;
- (7) A detailed statement of the assets of the organization, and of each branch, chapter, and affiliate of the organization, the manner in which such assets were acquired, and a detailed statement of the liabilities and income of the organization and of each branch, chapter, and affiliate of the organization;
- (8) A detailed description of the activities of the organization, and of each chapter, branch, and affiliate of the organization;
- (9) A description of the uniforms, badges, insignia, or other means of identification prescribed by the organization, and worn or carried by its officers or members, or any of such officers or members;
- (10) A copy of each book, pamphlet, leaflet, or other publication or item of written, printed, or graphic matter issued or distributed directly or indirectly by the organization, or by any chapter, branch, or affiliate of the organization, or by any of the members of the organization under its authority or within its knowledge, together with the name of its author or authors and the name and address of the publisher;
- (11) A description of all firearms or other weapons owned by the organization, or by any chapter, branch, or affiliate of the organization, identified by the manufacturer's number thereon;
- (12) In case the organization is subject to foreign control, the manner in which it is so subject;
- (13) A copy of the charter, articles of association, constitution, bylaws, rules, regulations, agreements, resolutions, and all other instruments relating to the organization, powers, and purposes of the organization and to the powers of the officers of the organization and of each chapter, branch, and affiliate of the organization; and

(14) Such other information and documents pertinent to the purposes of sections 14-17 of this title as the Attorney General may from time to time require.

All statements filed under this section shall be public records and open to public examination and inspection at all reasonable hours under such rules and regulations as the Attorney General may prescribe. (Oct. 17, 1940, ch. 897, § 2, 54 Stat. 1202.)

SEPARABILITY AND EFFECTIVE DATE

See note under section 14 of this title.

§ 16. Same; rules and regulations.

The Attorney General is authorized at any time to make, amend, and rescind such rules and regulations as may be necessary to carry out the provisions of sections 14-17 of this title, including rules and regulations governing the statements required to be filed by said sections. (Oct. 17, 1940, ch. 897, § 3, 54 Stat. 1203.)

SEPARABILITY AND EFFECTIVE DATE

See note under section 14 of this title.

§ 17. Same; penalties.

Any violation of any of the provisions of sections 14-17 of this title shall be punishable by a fine of not more than \$10,000 or by imprisonment for not more than five years, or both. Whoever in a statement filed pursuant to section 15 willfully makes any false statement or willfully omits to state any fact which is required to be stated, or which is necessary to make the statements made not misleading, shall, upon conviction, be subject to a fine of not more than \$2,000 or to imprisonment for not more than five years, or both. (Oct. 17, 1940, ch. 897, § 4, 54 Stat. 1204.)

SEPARABILITY AND EFFECTIVE DATE

See note under section 14 of this title.

Chapter 2.—OFFENSES AGAINST NEUTRALITY

Sec.

21. Accepting commission to serve against friendly power.
22. Enlisting in foreign service; exceptions.
23. Arming vessels against friendly powers; forfeiture of vessel.
24. Augmenting force of foreign armed vessel.
25. Organizing military expedition against friendly power.
26. Enforcement by courts; employment of land or naval forces.
27. Compelling foreign vessels to depart.
28. Bonds from armed vessels on clearing.
29. Detention by collectors of customs.
30. Construction of chapter; transient aliens; prosecutions for treason or piracy.
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 person belonging to armed land or naval forces of belligerent nation; arrest; punishment for aiding escape.
38. Same; enforcement of sections 25, 27, and 31-37 of this title.
39. Same; United States defined; jurisdiction of offenses; prior offenses; partial invalidity of provisions.

§ 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. (Mar. 4, 1909, ch. 321, § 9, 35 Stat. 1089.)

DERIVATION

R. S. § 5281, which was revised from act Apr. 20, 1818, ch. 88, § 3 Stat. 447, and repealed act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 22. (Criminal Code, section 10.) 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. (Mar. 4, 1909, ch. 321, § 10, 35 Stat. 1089; May 7, 1917, ch. 11, 40 Stat. 39.)

DERIVATION

R. S. § 5282, which was revised from act Apr. 20, 1818, ch. 88, § 3 Stat. 448, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 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