

(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

and the other half to the use of the United States. (Mar. 4, 1909, ch. 321, § 11, 35 Stat. 1090.)

## DERIVATION

R. S. § 5283, 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.

§ 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. (Mar. 4, 1909, ch. 321, § 12, 35 Stat. 1090.)

## DERIVATION

R. S. § 5285, 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.

§ 25. (Criminal Code, section 13.) 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. (Mar. 4, 1909, ch. 321, § 13, 35 Stat. 1090; June 15, 1917, ch. 30, title V, § 8, 40 Stat. 223.)

## DERIVATION

R. S. § 5286, which was revised from act Apr. 20, 1818, ch. 88, 3 Stat. 440, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 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 sections 21-30 of this title; and in every case of the capture of a vessel within the juris-

isdiction 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 sections 21-30 of this title, 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. (Mar. 4, 1909, ch. 321, § 14, 35 Stat. 1090.)

## DERIVATION

R. S. § 5287, which was revised from act Apr. 20, 1818, ch. 88, 3 Stat. 449, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 27. (Criminal Code, section 15, amended.) Compelling foreign vessels to depart.

It shall be lawful for the President to employ such part of the land or naval forces of the United States, or of the militia thereof, as he may deem necessary to compel any foreign vessel to depart from the United States or any of its possessions in all cases in which, by the law of nations or the treaties of the United States, it ought not to remain, and to detain or prevent any foreign vessel from so departing in all cases in which, by the law of nations or the treaties of the United States, it is not entitled to depart. (Mar. 4, 1909, ch. 321, § 15, 35 Stat. 1091; June 15, 1917, ch. 30, title V, § 10, 40 Stat. 223.)

## DERIVATION

R. S. § 5288, which was revised from act Apr. 20, 1818, ch. 88, § 9, 3 Stat. 449, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 28. (Criminal Code, section 16.) Bonds from armed vessels on clearing.

The owners or consignees of every armed vessel sailing out of the ports of, or under the jurisdiction of, the United States, belonging wholly or in part to citizens thereof, shall, before clearing out the same, give bond to the United States, with sufficient sureties, in double the amount of the value of the vessel and cargo on board, including her armament, conditioned that the vessel shall not be employed by such owners 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. (Mar. 4, 1909, ch. 321, § 16, 35 Stat. 1091.)

## DERIVATION

R. S. § 5289, which was revised from act Apr. 20, 1818, ch. 88, 3 Stat. 449, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 29. (Criminal Code, section 17.) Detention by collectors of customs.

The several collectors of the customs shall detain any vessel manifestly built for warlike purposes, and about to depart the United States, or any place subject to the jurisdiction thereof, the cargo of which principally consists of arms and munitions of war, when the number of men shipped on board, or other circumstances, render it probable that such vessel is intended to be employed by the owners to cruise or commit hostilities upon 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, until the decision of the President is had thereon, or until the owner gives such bond and security as is required of the owners of armed vessels by section 28 of this title. (Mar. 4, 1909, ch. 321, § 17, 35 Stat. 1091.)

DERIVATION

R. S. § 5290, which was revised from act Apr. 20, 1818, ch. 88, 3 Stat. 450, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 30. (Criminal Code, section 18.) Construction of chapter; transient aliens; prosecutions for treason or piracy.

The provisions of sections 21-29 of this title shall not be construed to extend to any subject or citizen of any foreign prince, state, colony, district, or people who is transiently within the United States and enlists or enters himself on board of any vessel of war, letter of marque, or privateer, which at the time of its arrival within the United States was fitted and equipped as such, or hires or retains another subject or citizen of the same foreign prince, state, colony, district, or people who is transiently within the United States to enlist or enter himself to serve such foreign prince, state, colony, district, or people on board such vessel of war, letter of marque, or privateer, if the United States shall then be at peace with such foreign prince, state, colony, district, or people. Nor shall they be construed to prevent the prosecution or punishment of treason, or of any piracy defined by the laws of the United States. (Mar. 4, 1909, ch. 321, § 18, 35 Stat. 1091.)

DERIVATION

R. S. § 5291, which was revised from act Apr. 20, 1813, ch. 88, 3 Stat. 448, 450, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 31. Enforcement of neutrality; withholding clearance papers from vessels.

During a war in which the United States is a neutral nation, the President, or any person thereunto authorized by him, may withhold clearance from or to any vessel, domestic or foreign, which is required by law to secure clearance before departing from port or from the jurisdiction of the United States, or, by service of formal notice upon the owner, master, or person in command or having charge of any domestic vessel not required by law to secure clearances before so departing, to forbid its departure from port or from the jurisdiction of the United States, whenever there is reasonable cause to believe that any such vessel, domestic or foreign, whether requiring clearance or not, is about to carry fuel,

arms, ammunition, men, supplies, dispatches, or information to any warship, tender, or supply ship of a foreign belligerent nation in violation of the laws, treaties, or obligations of the United States under the law of nations; and it shall thereupon be unlawful for such vessel to depart. (June 15, 1917, ch. 30, title V, § 1, 40 Stat. 221.)

CROSS REFERENCE

Restrictions on use of American ports where evidence insufficient under this section, see section 450 of Title 22, Foreign Relations and Intercourse.

§ 32. Same; detention of armed vessels.

During a war in which the United States is a neutral nation, the President, or any person thereunto authorized by him, may detain any armed vessel owned wholly or in part by American citizens, or any vessel, domestic or foreign (other than one which has entered the ports of the United States as a public vessel), which is manifestly built for warlike purposes or has been converted or adapted from a private vessel to one suitable for warlike use, until the owner or master, or person having charge of such vessel, shall furnish proof satisfactory to the President, or to the person duly authorized by him, that the vessel will not be employed by the said owners, or master, or person having charge thereof, to cruise against or commit or attempt to commit hostilities upon the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with which the United States is at peace, and that the said vessel will not be sold or delivered to any belligerent nation, or to an agent, officer, or citizen of such nation, by them or any of them, within the jurisdiction of the United States, or, having left that jurisdiction, upon the high seas. (June 15, 1917, ch. 30, title V, § 2, 40 Stat. 221.)

§ 33. Same; sending out armed vessel with intent to deliver to belligerent nation.

During a war in which the United States is a neutral nation, it shall be unlawful to send out of the jurisdiction of the United States any vessel built, armed, or equipped as a vessel of war, or converted from a private vessel into a vessel of war, with any intent or under any agreement or contract, written or oral, that such vessel shall be delivered to a belligerent nation, or to an agent, officer, or citizen of such nation, or with reasonable cause to believe that the said vessel shall or will be employed in the service of any such belligerent nation after its departure from the jurisdiction of the United States. (June 15, 1917, ch. 30, title V, § 3, 40 Stat. 222.)

§ 34. Same; statement from master that cargo will not be delivered to other vessels.

During a war in which the United States is a neutral nation, in addition to the facts required by sections 91, 92, and 94 of Title 46 to be set out in the masters' and shippers' manifests before clearance will be issued to vessels bound to foreign ports, each of which sections is hereby declared to be and is continued in full force and effect, every master or person having charge or command of any vessel, domestic or foreign, whether requiring clearance or not, before departure of such vessel from port shall deliver to

the collector of customs for the district wherein such vessel is then located a statement, duly verified by oath, that the cargo or any part of the cargo is or is not to be delivered to other vessels in port or to be transshipped on the high seas, and, if it is to be so delivered or transshipped, stating the kind and quantities and the value of the total quantity of each kind of article so to be delivered or transshipped, and the name of the person, corporation, vessel, or government to whom the delivery or transshipment is to be made; and the owners, shippers, or consignors of the cargo of such vessel shall in the same manner and under the same conditions deliver to the collector like statements under oath as to the cargo or the parts thereof laden or shipped by them, respectively. (June 15, 1917, ch. 30, title V, § 4, 40 Stat. 222.)

**§ 35. Same; forbidding departure of vessels.**

Whenever it appears that the vessel is not entitled to clearance or whenever there is reasonable cause to believe that the additional statements under oath required in section 34 of this title are false, the collector of customs for the district in which the vessel is located may, subject to review by the Secretary of Commerce, refuse clearance to any vessel, domestic or foreign, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, forbid the departure of the vessel from the port or from the jurisdiction of the United States; and it shall thereupon be unlawful for the vessel to depart. (June 15, 1917, ch. 30, title V, § 5, 40 Stat. 222.)

**§ 36. Same; unlawful taking of vessel out of port.**

Whoever, in violation of any of the provisions of sections 25, 27, and 31-38 of this title, shall take, or attempt or conspire to take, or authorize the taking of any such vessel, out of port or from the jurisdiction of the United States, shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than \$10,000; and, in addition, such vessel, her tackle, apparel, furniture, equipment, and her cargo shall be forfeited to the United States. (June 15, 1917, ch. 30, title V, § 6, 40 Stat. 222; Mar. 28, 1940, ch. 72, § 5, 54 Stat. 79.)

**AMENDMENT**

Term of imprisonment was increased by act March 28, 1940, cited to text.

**§ 37. Same; internment of person belonging to armed land or naval forces of belligerent nation; arrest; punishment for aiding escape.**

Whoever, being a person belonging to the armed land or naval forces of a belligerent nation or belligerent faction of any nation and being interned in the United States, in accordance with the law of nations, shall leave or attempt to leave said jurisdiction, or shall leave or attempt to leave the limits of internment in which freedom of movement has been allowed, without permission from the proper official of the United States in charge, or shall willfully overstay a leave of absence granted by such official, shall be subject to arrest by any marshal or deputy marshal of the United States, or by the military or

naval authorities thereof, and shall be returned to the place of internment and there confined and safely kept for such period of time as the official of the United States in charge shall direct; and whoever, within the jurisdiction of the United States and subject thereto, shall aid or entice any interned person to escape or attempt to escape from the jurisdiction of the United States, or from the limits of internment prescribed, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (June 15, 1917, ch. 30, title V, § 7, 40 Stat. 223.)

**§ 38. Same; enforcement of sections 25, 27, and 31-37 of this title.**

The President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purposes of sections 25, 27, and 31-37 of this title. (June 15, 1917, ch. 30, title V, § 9, 40 Stat. 223.)

**§ 39. Same; United States defined; jurisdiction of offenses; prior offenses; partial invalidity of provisions.**

The term "United States", as used in sections 25, 27, and 31-38 of this title, includes the Canal Zone, and all territory and waters, continental or insular, subject to the jurisdiction of the United States. The several courts of first instance in the Philippine Islands and the district court of the Canal Zone shall have jurisdiction of offenses under said sections 25, 27, and 31-38 committed within their respective districts, and concurrent jurisdiction with the district courts of the United States of offenses thereunder committed upon the high seas, and of conspiracies to commit such offenses, as defined by section 88 of this title, and the provisions of said section 88, for the purposes of sections 25, 27, and 31-38 of this title, are extended to the Philippine Islands and to the Canal Zone. Offenses committed and penalties, forfeitures, or liabilities incurred prior to June 15, 1917, under any law embraced in or changed, modified, or repealed by sections 25, 27, and 31-38 may be prosecuted and punished, and suits and proceedings for causes arising or acts done or committed prior to June 15, 1917, may be commenced and prosecuted, in the same manner and with the same effect as if said sections 25, 27, and 31-38 had not been passed. If any clause, sentence, paragraph, or part of sections 25, 27, and 31-38 shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (June 15, 1917, ch. 30, title XIII, §§ 1-4, 40 Stat. 231.)

**Chapter 3.—OFFENSES AGAINST ELECTIVE FRANCHISE AND CIVIL RIGHTS OF CITIZENS**

**GENERAL PROVISIONS**

**Sec.**

51. Conspiracy to injure persons in exercise of civil rights.
52. Depriving citizens of civil rights under color of State laws.