TITLE 18.—CRIMINAL CODE AND CRIMINAL PROCEDURE

Part 1.—CRIMES

Chap. Sec.
1. Offenses against existence of Government. 1
2. Offenses against neutrality. 2
3. Offenses against elective franchise and civil rights of citizens. 51
4. Offenses against operations of Government. 71
5. Offenses relating to official duties. 171
6. Offenses against public justice. 231
7. Offenses against currency, coinage, etc. 261
8. Offenses against Postal Service. 301
9. Offenses against foreign and interstate commerce. 381
10. Slave trade and peonage. 421
11. Offenses within admiralty, maritime, and territorial jurisdiction of United States. 451
12. Piracy and other offenses upon seas. 481
13. Certain offenses in Territories, District, or insular possession. 511
14. Saving provisions. 532

Part 2.—CRIMINAL PROCEDURE

15. General provisions. 541
16. Limitations. 581
17. Arrest, bail, and commitment. 591
18. Search warrant. 611
19. Fines, penalties, and forfeitures. 641
20. Extradition. 651
21. Appeals. 681
21A. Rules of criminal procedure. 687

Part 3.—PRISONERS AND THEIR TREATMENT

22. General provisions. 691
23. United States prisons in general. 741
24. Leavenworth, Kansas, penitentiary. 761
25. Atlanta, Ga., penitentiary. 791
26. Federal Industrial Institution for Women. 811
27. United States Industrial Reformatory. 831
28. Prison camps. 851
29. Hospital for defective delinquents. 871
30. Additional institutions for confinement of male persons. 901
31. Juvenile delinquents. 921

Part 1.—CRIMES

Chapter 1.—OFFENSES AGAINST EXISTENCE OF GOVERNMENT

Sec.
1. Treason.
2. Same; punishment.
3. Misprision of treason; punishment.
4. Inciting rebellion or insurrection.
5. Criminal correspondence with foreign governments; redress of private injuries excepted.
7. Recruiting for service against United States.
8. Enlisting to serve against United States.
9. Subversive activities; undermining loyalty, discipline, or morale of armed forces.

Page 1841
§ 4 TITLE 18.—CRIMINAL CODE

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ch. 8, 1 Stat. 112, and repealed by act Mar. 4, 1909,
ch. 321, § 341, 35 Stat. 1158.

§ 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. 560, and repealed by act Mar. 4, 1909,
ch. 321, § 341, 35 Stat. 1158.

CROSS REFERENCES
Writings advocating insurrection declared nonmailable,
see section 344 of this title.

§ 5. (Criminal Code, section 5.) Criminal correspond-
ence with foreign governments; redress of pri-
vate 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 author-
ity of the Government, directly or indirectly,
commences or carries on any verbal or written corre-
spondence or intercourse with any foreign govern-
ment 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 Gov-
ernment 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, ad-
vises, 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 for-
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, 1790,
ch. 1, 1 Stat. 613, and repealed by act Mar. 4, 1909, ch. 321,
§ 341, 35 Stat. 1158.

§ 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. 53, 12 Stat. 294; Apr. 20, 1871, ch. 22, 17 Stat. 15, and re-

CROSS REFERENCES
Conspiracy generally, see section 88 of this title.
Conspiracy to commit subversive acts, undermine loy-
ality of armed forces, or to advocate overthrow of
Government by force, see sections 9–11, 13 of this title.
Conspiracy to disclose information affecting national
defense or to commit seditious acts in time of war, see
sections 32–34 of Title 50, War.
Conspiracy to prevent officer from performing duties,
see section 54 of this title.

Writings advocating forcible resistance to any law of
the United States declared nonmailable, see section 344
of this title.

§ 7. (Criminal Code, section 7.) Recruiting for serv-
vice against United States.

Whoever recruits soldiers or sailors within the
United States, or in any place subject to the jurisdic-
tion 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,

§ 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,

§ 9. Subversive activities; undermining loyalty, disci-
pline, 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
do 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.
§ 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, § 1, 54 Stat. 670.)

§ 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 9–11, and 13 of this title. (June 28, 1940, ch. 439, title I, § 3, 54 Stat. 671.)

SEPAREABILITY CLAUSE; SHORT TITLE
Separability clause and short title, see note under section 9 of this title.

CROSS REFERENCES
Conspiracy to disclose information affecting national defense, or to commit seditious or disloyal acts of time of war, see sections 92–94 of this title.

§ 12. Same; searches and seizures.

CONFINEMENT
Section, act June 28, 1940, ch. 439, title I, § 4, 54 Stat. 671, which authorized the taking of any written or printed matter of the character described in sections 9 and 10 of this title, under a search warrant issued pursuant to "sections 611–833 of this title", is now covered by Rule 41 of the Federal Rules of Criminal Procedure, effective Mar. 21, 1946, and act out following section 687 of this title. See, also, explanatory note of Advisory Committee, following said Rule 41, and see, also, said section 687.

§ 13. Same; penalties.

(a) Any person who violates any of the provisions of sections 9–11, and 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 9–11, and 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.)

SEPAREABILITY CLAUSE; SHORT TITLE
Separability clause and short title, see note under 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 substi-
$15

TITLe 18.—Criminal code and criminal Procedure

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) of this section 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) of this section 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;
§ 22. Enlisting in foreign service; exceptions.

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 of this title 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.

§ 23. Same; offenses against neutrality.

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. 1069.)

Derivation
R.S. § 5081, which was revised from act Apr. 20, 1818, ch. 68, § 3, 3 Stat. 447, and repealed act Mar. 4, 1909, ch. 321, § 9, 35 Stat. 1153.

Construction
Construction of this section, see section 30 of this title.

§ 24. Forfeiture of foreign armed vessel.

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, or 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. (Oct. 17, 1940, ch. 897, § 4, 54 Stat. 1204.)

Separability and Effective Date
See note under section 14 of this title.

CROSS REFERENCES
False statements generally, punishment for, see section 80 of this title.