§ 132. Seal

The Secretary of Defense shall have a seal for the Department of Defense. The design of the seal is subject to approval by the President. Judicial notice shall be taken of the seal.

Added Pub L 87-651, Title II, § 202, Sept 7, 1962, 76 Stat 517

Historical Note

Legislative History For legislative history and purpose of Pub L 87-631, see 2406

Library References

Armed Services CJS

§ 133. Secretary of Defense appointment; powers and duties; delegation by

(a) There is a Secretary of Defense, who is the head of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate. A person may not be appointed as Secretary of Defense within 10 years after relief from active duty as a commissioned officer of a regular component of an armed force.

(b) The Secretary is the principal assistant to the President in all matters relating to the Department of Defense. Subject to the direction of the President and to this title and section 401 of title 10, he has authority, direction, and control over the Department of Defense.

(c) The Secretary shall report annually in writing to the President and the Congress on the expenditures, work, and accomplishments of the Department of Defense during the period covered by the report, together with—

(1) a report from each military department on the expenditures, work, and accomplishments of that department,

(2) itemized statements showing the savings of public funds, and the eliminations of unnecessary duplications, made under section 125 of this title,

(3) a report from the Reserve Forces Policy Board on the reserve programs of the Department of Defense, including a re-

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Trial by foreign courts

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view of the effectiveness of chapters 51, 237, 361, 363, 549, 573, 837, 861, and 863 of this title, as far as they apply to reserve officers, and

(4) such recommendations as he considers appropriate

(d) Unless specifically prohibited by law, the Secretary may, without being relieved of his responsibility, perform any of his functions or duties, or exercise any of his powers through, or with the aid of, such persons in, or organizations of, the Department of Defense as he may designate.

Added Pub L 87-651, Title II, § 202, Sept 7, 1962, 76 Stat 517

Historical Note

Delegation of Functions Functions of the President under various sections delegated to the Secretary of Defense see Ex Ord No 1060, July 1 1953, 20 F R 6758 as amended by Ex Ord No 11259, Aug 4 1966, 31 F R 10001, Ex Ord No 10698, Feb 27 1956, 21 F R 87, 21 F R 17607, set out as notes under section 2292 of the Appendix to Title 50 War and National Defense. Legislative History for legislative history and purpose of Pub L 87-651 see 1962 U S Code Cong and Admin News, p 2355.

Emergency Preparedness Functions For assignment of certain emergency preparedness functions to the Secretary of Defense see Parts 1-5 of Ex Ord No 11259, Oct 28 1959, 34 F R 17607, set out as a note under section 2292 of the Appendix to Title 50 War and National Defense. Legislative History for legislative history and purpose of Pub L 87-651 see 1962 U S Code Cong and Admin News, p 2355.

Annual rate of basic compensation of Secretary see section 5312 of Title 5 Government Organization and Employees. National Defense Agency employment delegation of authority for terminating notwithstanding, subsec (d) of this section see section 833 of Title 50 War and National Defense.

Reports to Congressional Committees policies and procedures on recall to active duty of Ready Reserve members see section 673 of this title.

Library References

Armed Services 3-4 CJS Army and Navy 10 14 et seq

Code of Federal Regulations

Acceptance designation and receipt of service of process see 32 CFR 2571 et seq. Cost information reports applicability and scope see 32 CFR 2501 et seq. Equal Opportunity Program policy of assuring compliance see 32 CFR 101 et seq. Foreign tax relief program policy and scope see 32 CFR 211 et seq. Honorary awards to private citizens and organizations policy and scope establish 16 U.S.C. sec. 302, sec. 2292, and sec. 32 CFR 1 et seq. Overseas Dependents School System policy for organization operation and administration see 32 CFR 691 et seq. Standards of conduct for military and civilian personnel Navy Department see 32 CFR 721 et seq. Subscription service of directives, instructions and Indexes to the public see 32 CFR 259 et seq. Trial by foreign courts treatment in foreign prisons of U S military personnel etc policy and procedures see 32 CFR 181 et seq.
Title 18-952 Diplomatic Censor Correspondence
Whether by order or hire employment by the 150 foreign...

Reg Holder

Based on section 1.5-7 title 22 usc 1940 add.
D Foreign Relating to Intelligence: June 10, 1922
Clk. 57 4th okt 72

Title 15 sec 798 Disclosure of Classified Information
Can disclose class, job

Exp: 1) meaning cryptography
2) meaning design, construction and design
3) concerning enemy activities of us or foreign

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18 USC 952

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Section 123 utilizes the Secretary of Defense

(4) unless specifically prohibited by law, the Secretary

may, without being relieved of responsibility,

perform any of his functions or duties, or exercise

any of his powers through, or with the aid of,

such persons as, or organizations of, the

Department of Defense as the may designate

(Cited 36 U.S.C 667, Pub L 88-202, 76 Stat 65, 765/15,

5/17)
§ 797. Publication and sale of photographs of defense installations

On and after thirty days from the date upon which the President defines any vital military or naval installation or equipment as being within the category contemplated under section 795 of this title, whoever reproduces, publishes, sells, or gives away any photograph, sketch, picture, drawing, map, or graphical representation of the vital military or naval installations or equipment so defined, without first obtaining permission of the commanding officer of the military or naval post, camp, or station concerned, or higher authority, unless such photograph, sketch, picture, drawing, map, or graphical representation has clearly indicated thereon that it has been censored by the proper military or naval authority, shall be fined not more than $1,000 or imprisoned not more than one year, or both. June 25, 1948, c 645, 62 Stat 738

Library References: War and National Defense § 797

Historical and Revision Notes

Revisor's Note. Based on sections 45 and 45b of Title 50 USC 1940 ed War and National Defense (Jan 12, 1939 c 2 §§ 1 & 2 Stat 3)

Punishment provision of section 45 of Title 50, USC 1940 ed War and National Defense is repeated. Words 'up on conviction war' deleted as surplus.

§ 798. Disclosure of Classified Information

(a) Whoever knowingly and willfully communicates, furnishes, transmits, or otherwise makes available to an unauthorized person, or publishes, or uses in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States any classified information—

(1) concerning the nature, preparation, or use of any code, cipher, or cryptographic system of the United States or any foreign government, or

(2) concerning the design, construction, use, maintenance, or repair of any device, apparatus, or appliance used or prepared or planned for use by the United States or any foreign government for cryptographic or communication intelligence purposes, or

(3) concerning the communication intelligence activities of the United States or any foreign government, or

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Applicability of section to
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(4) obtained by the processes of communication intelligence
from the communications of any foreign government, knowing
the same to have been obtained by such processes—

Shall be fined not more than $10,000 or imprisoned not more than
ten years, or both

(b) As used in subsection (a) of this section—

The term "classified information" means information which, at
the time of a violation of this section, is, for reasons of national
security, specifically designated by a United States Government
agency for limited or restricted dissemination or distribution,

The terms "code," "cipher," and "cryptographic system" include
in their meanings, in addition to their usual meanings, any method
of secret writing and any mechanical or electrical device or method
used for the purpose of disguising or concealing the contents, signifi-
cance, or meanings of communications,

The term "foreign government" includes in its meaning any
person or persons acting or purporting to act for or on behalf of any
faction, party, department, agency, bureau, or military force of or
within a foreign country, or for or on behalf of any government or
any person or persons purporting to act as a government within a
foreign country, whether or not such government is recognized by the
United States,

The term "communication intelligence" means all procedures and
methods used in the interception of communications and the obtain-
ing of information from such communications by other than the in-
tended recipients,

The term "unauthorized person" means any person who, or agency
which, is not authorized to receive information of the categories
set forth in subsection (a) of this section, by the President, or by
the head of a department or agency of the United States Government
which is expressly designated by the President to engage in com-
munication intelligence activities for the United States

(c) Nothing in this section shall prohibit the furnishing, upon
lawful demand, of information to any regularly constituted com-
mittee of the Senate or House of Representatives of the United
States of America, or joint committee thereof Added Oct 31, 1951,
c 655, § 24 (1), 65 Stat 719

So enacted See second section 795 enacted on June 30 1953, set out below

Historical Note

Canal Zone Applicability of section to Canal Zone see section 11 of this title

Legislative History For legislative his-
tory and purpose of Act Oct 31 1951, see
1931 U S Code Cong and Admin News, p

441
§ 798. Temporary extension of section 794

The provisions of section 794 of this title, as amended and extended by section 1(a) (29) of the Emergency Powers Continuation Act (66 Stat 333), as further amended by Public Law 12, Eighty-third Congress, in addition to coming into full force and effect in time of war shall remain in full force and effect until six months after the termination of the national emergency proclaimed by the President on December 16, 1950 (Proc 2012, 3 C.F.R. 1950 Supp., p 71), or such earlier date as may be prescribed by concurrent resolution of the Congress, and acts which would give rise to legal consequences and penalties under section 794 when performed during a state of war shall give rise to the same legal consequences and penalties when they are performed during the period above provided for Added June 30, 1953, c 176, § 4, 67 Stat 183

1 So enacted See first section 798 enacted on Oct 31, 1951 set out above

Historical Note

References in Text Section 1(a) (29) of the Emergency Powers Continuation Act (66 Stat 333) as further amended by Public Law 12, Eighty-third Congress referred to in the text was formerly set out as a note under section 791 of this title and was repealed by section 7 of Act June 30, 1953.

Proc. 2012 3 C.F.R. 1950 Supp., p 71 referred to in the text is an erroneous citation It should refer to Proc 2014

which is set out as a note preceding section 1 of Appendix to Title 50 War and National Defense.

General Note. Applicability of section to Canal Zone, see section 14 of this title

Legislative History For legislative history and purpose of Act June 30, 1953, see 1953 US Code Cong and Admin News p 110
count and not to conspiracy count, espacially because count had already charged adequately on attempt count. Id.

23. Questions for Jury
In prosecution for conspiracy to violate this section forbidding conspiracy to transmit information relating to the national defense, whether defendant conspired to transmit were of such character was for jury U.S. v. Drummond, C.A. 2nd 0, 1062, 296 F.2d 310, certiorari denied 367 U.S. 1160, 86 S. Ct. 1013 reharing denied 367 U.S. 1160, 86 S. Ct. 1013 fact that scientists' opinions were in conflict with opinion of electrical engineer as to accuracy of schematic drawing of atomic bomb introduced in evidence in espionage prosecution did not establish that engineers' opinion was false as witness' credibility was in play and not for panel of experts Sobell v. U.S., D.C. N.Y. 1971, 264 F. Supp. 670, affirmed 378 F.2d 474 certiorari denied 88 S. Ct. 760, 80 S. Ct. 1011, 19 L.Ed. 2d 949 reharing denied 88 S. Ct. 760, 300 U.S. 977, 39 L.Ed. 2d 1197.

25a. Homicide or premeditated murder
Where there was no showing that Soviet Government would have waived diplomatic immunity from consular process to testify in a United States court for three diplomatic personnel desiring to be persons non grata even if diplomatic had removed the United States, defendants in prosecution for conspiracy to gather and deliver defense information to a foreign Government were not precluded by the United States declaring diplomatic personnel were non grata except to the extent that such personnel were denied 2601 C.A. N.Y. 1971, 364 F.2d 306 vacated other grounds 364 U.S. 155 22 L.Ed. 2d 118 reharing denied 365 S. Ct. 1262, 365 F.2d 192, 22 L.Ed. 2d 410, on remand 365 F. Supp. 68.

24. Sentence—Generally
Defendant convicted on two counts, one charging that defendant conspired with employees of foreign embassy to transmit information relating to national defense to foreign government, and second count charging that defendant conspired and made employees and other persons, conspired to obstruct national defense information was properly sentenced to consecutive sentences.

§ 798 Disclosure of Classified Information

I. Historical Documents

L. Historical documents

This section did not have application to or 67-68 Historical documents pertaining to the war in Vietnam and that the Vietnam Confinement was held at U.S. v. New York Times Co. D.C. N.Y. 1971, 352 F. Supp. 325, reminanded 444 F.2d 1044 reversed on other grounds and remanded 411 F.2d 2140 463 U.S. 715 29 L.Ed. 2d 825.

2. Preliminary Injunction

In connection

§ 831 Definition

Transit of Functions

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§ 832. Transports,

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§ 833 Regulations

Transit of Functions

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§ 834 Liability

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§ 8 Regulations—Generally

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FOREIGN RELATIONS

18 § 952

Notes of Decisions

The defendant was an employee of the United Nations, he worked exclusively in non-diplomatic capacity and he was not eligible to receive and did not enter United States on American diplomatic visa but only on non-diplomatic visa. 1 M.C.C. 1951 691 5 Supp 67.

Venue

The proper venue to try a violator of former section 501 of Title 22 was in the district where the defendant acted as agent without having given prior notification to the Secretary of State. 62 D.C.W. 1957 31 4 Supp 409.

Indictment

Indictments charging that defendant conspired to transmit information relating to national defense and conspiring to act as agents of another nation without prior notification to the Secretary of State would not be dismissed on ground that United States placed defendants allowed conspirators who were prospective witnesses, beyond jurisdiction of court without notice to defendants where there was no proof of suppression of evidence or even evidence to seek U.S. 5 Cir. 1941 108 7 F.2d 463.

Jurisdiction

18 § 952. Diplomatic codes and correspondence

Whoever, by virtue of his employment by the United States, obtains from another or has or has had custody of or access to any official diplomatic code or any matter prepared in any such code, or which purports to have been prepared in any such code, and without authorization or competent authority, willfully publishes or furnishes to another any such code or matter, or any matter which was obtained while in the process of transmission between any foreign government and its diplomatic mission in the United States, shall be fined not more than $10,000 or imprisoned not more than ten years, or both. June 25, 1948. C.S.S United States 645 62 Stat 743.

Library references United States 82 C.S.S United States 80 61.
§ 953. Private correspondence with foreign governments

Any citizen of the United States, wherever he may be, who, without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with 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 United States, shall be fined not more than $5,000 or imprisoned not more than three years, or both.

This section shall not 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 of any of its agents or subjects June 25, 1948, c 645, 62 Stat 744

Historical and Revision Notes

Minor changes of arrangement and in phraseology were made. 80th Congress House Report No 204

Notes of Decisions

1 Construction


2 Generally

Citizens of the United States are not blindered by this section to carry on cor
1. Special Cables 1967

2. Title 6-932 Diplomatic Codes & Correspondence June 25, 1947
   C. 645, 62 Val. 73

3. Title 8-938 Disclosure of Classified Information
   Section (a) * (1) Cryptology
     (a) * (2) Cryptology or Communication Intelligence
     (v) * (3) Communication Intelligence
     (x) * (4) Obtained from Communication Intelligence

   (Oct. 31, 1957 C. 655 § 24(a), 65-3 § 1079)