

## 10 § 131

## GENERAL MILITARY LAW

Subt A

## Notes of Decisions

## 1 Historical

The Department of War [now Department of Defense] was created with a principal officer therein to be called the secretary for the Department of War

[now Secretary of Defense] by Act Aug 7 1789 c 7 1 Stat. 49 In re Hennea 1839 38 U.S. 230 13 Pet 230 250 10 U.S. 138 See 1855 7 Op Atty Gen 433 461

## § 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 1962 U.S. Code Cong and Adm News p history and purpose of Pub L 87-651, see 2456

## Library References

Armed Services

CJS Army and Navy §§ 1 4 et seq

## § 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 50, 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-

Ch 4

DFP

view of the effect of 573, 837, 861, and reserve officers,

(4) such records

(d) Unless specifically without being relieved of functions or duties, or the aid of, such person Defense as he may desire Added Pub L, 87-651, T

Delegation of Functions the President under various delegated to the Secretary of Ex Ord No 10621 July 1 4750 as amended by Ex Ord Aug 4 1966 31 FR 10601 10601 Feb 27 1958 21 FR Ord No 11300 Jan 22 1968 all set out as notes under Title 3 The President

Emergency Preparedness for assignment of certain e

Annual rate of basic compensation Organization and National Security Agency withstanding subsec National Defense Reports to Congressional duty of Ready Reserve

Armed Services

C

Acceptance designation a Cost Information reports Equal Opportunity Program Foreign tax relief program Honorary awards to printing see 32 CFR 244 1 Overseas Dependents Sch istration see 32 CFR Standards of conduct for 32 CFR 721 1 et seq Subscription service of 289 1 et seq Trial by foreign courts etc policy and proc

Subt A

Ch 4

DEPARTMENT OF DEFENSE

10 § 133

view of the effectiveness of chapters 51, 337, 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 Parts 1 4 and 30 of Fx Ord No 11490 Oct 28 1969 34 FR 17567 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 1982 US Code Cong and Adm News, p 2456

**Emergency Preparedness Functions** for assignment of certain emergency pre

Act of July 26, 1947  
Ch 343, 61 Stat 445

#### Cross References

Annual rate of basic compensation of Secretary see section 5312 of Title 5 Government Organization and Employees

National Security Agency employment delegation of authority for terminating not withstanding, 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

National Security Act  
of 1947  
Section  
101

#### Library References

Armed Services

CJS Army and Navy §§ 1 4 et seq

#### Code of Federal Regulations

Acceptance designation and receipt of service of process see 32 CFR 257 1 et seq

Cost information reports applicability and scope see 32 CFR 250 1 et seq

Equal Opportunity Program policy of assuring compliance see 32 CFR 191 1 et seq

Foreign tax relief program policy and scope see 32 CFR 211 1 et seq

Honorary awards to private citizens and organizations policy and scope establishing see 32 CFR 244 1 et seq

Overseas Dependents School System policy for organization operation and administration see 32 CFR 69 1 et seq

Standards of conduct for military and civilian personnel Navy Department see 32 CFR 721 1 et seq

Subscription service of directives instructions and indexes to the public see 32 CFR 289 1 et seq

Trial by foreign courts treatment in foreign prisons of U S military personnel etc policy and procedures see 32 CFR 151 1 et seq

Title 18-952 Diplomatic Code of Correspondence

Whose by virtue of his employment by the US obtains...

Leg History

Based on Section 135 of Title 22 USC 1940 ed;

Foreign Relations of the United States June 10, 1922

Sec. 57, 48 Stat 722

Title 18 Sec 793 Disclosure of Classified Information

Cannot disclose class. info

Espionage  
+ Conspiracy

1) concerning cryptography

2) concerning design, construction etc of devices  
for cryptology or comm purposes

3) concerning comm activities of US or foreign gov't

Info obtained by comm

Unauthorized - person or agency not designated by

the President or by head of dept or agency

which is expressly designated by the

President to engage in comm activities for the US

~~1950~~ 1933

( 18 USC 952 )

1950

( 18 USC 798 )

137D Title 10 US code

1962 Armed Services Committee

Section 133 USC Title 10 Secretary of Defense

(a) 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 or organizations of the Department of Defense as he may designate

(Added Pub. L. 87-657, Title II § 202 Sept 7 1962, 76 Stat.

517)

**§ 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 ~~648~~ CJS War and National Defense § 56

**Historical and Revision Notes**

**Reviser's Note.** Based on sections 45 and 45b of Title 50 USC 1940 ed War and National Defense (Jan 12 1938 c 1 §§ 1 3 52 Stat 3)

Punishment provision of section 45 of Title 50, USC 1940 ed War and National Defense is repeated. Words "upon conviction" were deleted as surplus

age since punishment cannot be imposed until a conviction is secured

Minor changes were made in phraseology 80th Congress House Report No 304

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

**§ 798. Disclosure of Classified Information<sup>1</sup>**

(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

(  
from  
the

Shall  
ten year

(b) A

The  
the time  
security  
Agency

The  
in their  
of secre  
used for  
cance, or

The ter  
son or pe  
faction, p  
within a  
any perso  
foreign co  
United St-

The ter  
methods u  
ing of inf  
tended rec

"The ter"  
which, is  
set forth  
the head  
which is e  
munication

(c) Not  
lawful de  
mittee of  
States of A  
c '655, § 24

<sup>1</sup>So enacted

Canal Zone  
to Canal Zone

Ch 37

of defense in-

which the President  
ion or equipment as  
section 795 of this  
or gives away any  
graphical representa-  
ions or equipment so  
he commanding offi-  
tation concerned, or  
ch, picture, drawing,  
indicated thereon that  
aval authority, shall  
not more than one  
98

CJS War and Nation

es

ishment cannot be imposed  
on is secured

s were made in phrase-  
ngress House Report No

Applicability of section to  
section 14 of this title

of

unicates, furnishes,  
unauthorized person,  
to the safety or in-  
any foreign govern-  
classified informa-

or use of any code,  
nited States or any

use, maintenance, or  
ce used or prepared  
any foreign govern-  
telligence purposes,

igence activities of  
, or

Ch 37

## ESPIONAGE AND CENSORSHIP 18 § 798

(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, significance, 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 obtaining of information from such communications by other than the intended 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 communication intelligence activities for the United States

(c) Nothing in this section shall prohibit the furnishing, upon lawful demand, of information to any regularly constituted committee 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

<sup>1</sup> So enacted See second section 798 enacted on June 30 1953, set out below

## Historical Note

Canal Zone	Applicability of section	Legislative History
to Canal Zone	see section 14 of this title.	For legislative history and purpose of Act Oct 31 1951, see 1951 U S Code Cong and Adm News, p 2378.

## Cross References

Disclosure of classified information by Government officer or employee see section 793(b) (d) of Title 50 War and National Defense.

Federal retirement benefits forfeiture upon conviction of offenses described under this section see section 2282 of Title 5 Executive Departments and Government Officers and Employees.

Veterans benefits forfeiture upon conviction under this section see section 3505 of Title 38 Veterans Benefits.

## Notes of Decisions

## Library references

War and National Defense 49.  
CJS War and National Defense § 56

## 1 Constitutional safeguards

The National Security Act former section 171 et seq of Title 5 and the Armed Service Procurement Act section 2301 et seq of Title 10 together with this section making it a crime to communicate intelligence information to unauthorized persons and section 793 of Title 50 making it a crime for officer or employee of United States to communicate classified

information to agents of foreign governments or Communist organizations do not authorize Department of Defense to create industrial security clearance program under which affected persons may lose their jobs and may be restrained in following their chosen professions on basis of fact determinations concerning their fitness for clearance made in proceedings in which they are denied traditional procedural safeguards of confrontation and cross examination *Greene v McClintock* App D C 1959 79 S Ct 1400 360 US 474 3 F Ed 2d 1377

§ 798. Temporary extension of section 794<sup>1</sup>

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 2912, 3 CFR, 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 175, § 4, 67 Stat 133

<sup>1</sup>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. 2912 3 CFR 1950 Supp, p 71 referred to in the text is an erroneous citation. It should refer to Proc 2914

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

Canal Zone. 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 Adm News p 17:9

Whoever to violate a protection of the facility, or passenger vehicle, or property of the equipment in the Administration shall be fined one year, or July 29, 1956

Library reference  
Conspiracy § 12

Codification  
subsec (c) of 568. Subsecs (d) are classified in The Public Health (d) of section 1114 of this title 204 is classified 42

## CHAPTER

Sec	
831.	Definition
832	Transportation agent
833	Marking article
834	Regulation
835	Administration
836	Transportation
837	Explosion

1960 Amendment 6, 1960 71 Stat Dangerous Act in the chapter active material



count and not to conspiracy count, especially where court had already charged adequately on attempt count. Id

### 22. Questions for Jury

In prosecution for conspiracy to violate this section forbidding conspiracy to transmit information 'relating to the national defense' whether documents defendant conspired to transmit were of such character was for jury U S v Drummond, C.A.N.Y. 1965, 354 F.2d 132 certiorari denied 36 S.Ct. 1968, 384 U.S. 1013 16 L.Ed.2d 1031, rehearing denied 37 S.Ct. 24, 385 U.S. 892, 17 L.Ed.2d 126

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 engineer's opinion was false as engineer's credibility was for jury and not for panel of experts Sobell v U.S., D.C.N.Y. 1967 284 F.Supp. 579, affirmed 378 F.2d 674 certiorari denied 88 S.Ct. 750, 389 U.S. 1051, 19 L.Ed.2d 842, rehearing denied 88 S.Ct. 1023, 390 U.S. 977, 19 L.Ed.2d 1197

### 22a. Harmless or prejudicial error

Where there was no showing that Soviet Government would have waived diplomatic immunity from compulsory process to testify in a United States court for three diplomatic personnel declared to be persona non grata even if diplomats had remained in the United States, defendants in prosecution for conspiracy to gather and deliver defense information to a foreign government were not prejudiced by the United States declaring diplomats to be persona non grata U.S. v Butenko C.A.N.J. 1967 384 F.2d 554 vacated on other grounds 89 S.Ct. 961 394 U.S. 165 22 L.Ed.2d 176 rehearing denied 89 S.Ct. 1177 394 U.S. 939 22 L.Ed.2d 475, on remand 318 F.Supp. 68.

### 24. Sentence—Generally

Defendant convicted on two counts, one charging that defendant conspired with employee of foreign embassy to transmit information relating to national defense to foreign government, and second count charging that defendant and same employee and other persons conspired to obtain national defense information was properly sentenced to consecutive sentences

## § 798 Disclosure of Classified Information

### Index to Notes

Historical documents 1  
Injunction 2

#### 1. Historical documents

This section did not have application to or proscribe publication of historical documents pertaining to the war in Vietnam and the Tonkin Gulf incident. U.S. v New York Times Co. D.C.N.Y. 1971, 328 F.Supp. 324, remanded 444 F.2d 544 reversed on other grounds and remanded 91 S.Ct. 2140 403 U.S. 713 29 L.Ed.2d 822.

ces on each count. Boeckenhaupt v U.S. C.A. Va. 1968, 392 F.2d 24 certiorari denied 89 S.Ct. 162, 393 U.S. 896, 21 L.Ed.2d 177

### 25. Correction

Fact that district court was under incorrect impression in 1973 that defendant had pleaded guilty to crimes in addition to crimes of conspiracy to commit espionage did not operate to undermine validity of defendant's 1965 sentence for crime nor did court's incorrect assessment of defendant's motion for correction or reduction of sentence as being untimely serve to undermine previous validity. Thompson v U.S., C.A.N.Y. 1973, 494 F.2d 9-2

### 27. Review

Where FBI log of interview which was marked for identification and given to defense counsel in prosecution for conspiracy to violate this section was not introduced in evidence, and defendant never contended at trial that he had been denied his constitutional right of access to counsel, so that government was denied opportunity to offer the log into evidence, to avoid penalizing the government for failing to respond at trial to a contention permitted to be raised for first time on appeal, Court of Appeals would exercise its power to consider the exhibit marked for identification U.S. v Drummond, C.A.N.Y. 1965, 354 F.2d 132, certiorari denied 86 S.Ct. 1968 384 U.S. 1013, 16 L.Ed.2d 1031 rehearing denied 87 S.Ct. 24, 385 U.S. 892 17 L.Ed.2d 126.

Fact that witness' schematic drawing and descriptive testimony of atomic bomb were not scientifically complete and accurate did not render witness' testimony in espionage prosecution so incredible as to entitle convicted espionage agent to post-conviction relief Sobell v U.S., D.C.N.Y. 1967 284 F.Supp. 579, affirmed 378 F.2d 674, certiorari denied 88 S.Ct. 750, 389 U.S. 1051, 19 L.Ed.2d 842, rehearing denied 88 S.Ct. 1023, 390 U.S. 977, 19 L.Ed.2d 1197

Person convicted as spy was not entitled to post conviction relief because schematic drawing introduced in espionage trial was not so completely accurate as to enable foreign power to construct atomic bomb from drawing. Id

### 2. Preliminary Injunction

A newspaper would not be preliminarily enjoined from publishing certain government documents relating to Vietnam and the Tonkin Gulf incident on basis of application of this section where there was no reasonable likelihood of government successfully proving willful belief that information to be published could be used to injury of the United States or advantage of any foreign nation U.S. v New York Times Co. D.C.N.Y. 1971 328 F.Supp. 324 remanded 444 F.2d 544 reversed on other grounds and remanded 91 S.Ct. 2140, 403 U.S. 713, 29 L.Ed.2d 822

## CHAP I

Sec. Definitions.  
831. Transportation of active materials and other dangerous.  
833. Marking packages, sives and other

1976 Amendment. Pu XI § 1103(b) (2) Oct. 960, struck out item 837

### § 831 Definition

Transfer of Functions powers and duties of the merce Commission and members offices and of lating generally to export dangerous articles and

### § 832. Transport agents, and other dan

Transportation of hazard et seq. 397 1 et seq

### § 834 Regulations

Transfer of Functions. powers and duties of the Commerce Commission a man members offices thereof relating generally and other dangerous artic section were transferred to the Secretary of Transport L. 89-670 Oct. 15 1966, which created the Department of Transportation See section 1602 title 49, Transportation

### Supplementary Inde- Liability within section 12

2. With other laws New York statute requiring warning on outside of a dangerous article Motor Vehicle and Traffic Law subds 1 3, did not so con general law, as to regulation shipment of dangerous m make state statute invalid of requirement in state station be a knowing one statute proscribing knowl People v Transamerican Inc 1969 249 N.E.2d 2d 727, 302 N.Y.S.2d 237 c 90 S.Ct. 374, 396 U.S. 939, 24 McKinney's N.Y. Vehicle Law, § 380 subd (3), regulation of dangerous ca section covering same mat conflict People v Carbon Y S 2d 408 54 Misc 2d 762.

6 Regulations—Generally The Commission's safe providing that in freight ed loaded tank car must next to any car placarded flammable poison gas freight train as one or coupled with one or more displaying markers did train which was not displ

45 U.S.C.A.—1112  
1974 F.P.

5

Ch 15

(h 45

FOREIGN RELATIONS

18 § 952

## RELATIONS

vidence  
 igh government's  
 igh government  
 igh governments  
 of foreign government  
 foreign government  
 ndly nation

tion  
 foreign nation  
 n nation

gerent nation  
 isite to vessel's departure  
 for false statements  
 in aid of neutrality  
 certain countries  
 nd narcotics to Pacific Islands.  
 (14) 68 Stat 861 which repealed sec-  
 to reflect the repeal

## rnments

or consular officer or attaché,  
 of a foreign government without  
 shall be fined not more  
 than ten years, or both June

## Revision Notes

Minor changes in phraseology were  
 made 80th Congress House Report No  
 4

Canal Zone Applicability of section in  
 Canal Zone see section 14 of this title

## ences

onsul or officer see section 915 of this  
 in 11 of this title.  
 this title

## Notes of Decisions

Constitutionality 1  
 Construction with other laws 2  
 Evidence 1  
 Indictment 3  
 Jurisdiction 3  
 Venue 4

## Library references

International Law 1024  
 CJS International Law § 12

## 1 Constitutionality

This section requiring prior notification to Secretary of State before acting as agent for foreign government contemplates no future criminal activity and is not unconstitutional because incidentally it might be applicable to one about to be criminally engaged. *U S v Melch* D C Ill 1961 193 F Supp 586.

## 2 Construction with other laws

There is no inconsistency between this section and section 612 of Title 22 making it criminal offense for a person becoming agent of foreign principal to fail to register with Attorney General. *U S v Melch* D C Ill 1961 193 F Supp 586.

## 3 Jurisdiction

U S C A Const Art 3 § 2 cl 2 giving Supreme Court original and exclusive jurisdiction in proceedings against ambassadors or other public ministers of foreign nations had no application to alien defendant in prosecution for conspiracy to violate this section and section 733 of this title relating to gathering and transmitting defense information where

the defendant was an employee of the United Nations he worked exclusively in nondiplomatic capacity and he was not eligible to receive and did not enter United States on American diplomatic visa but only on nondiplomatic visa. *U S v Melch* D C N Y 1960 190 F Supp 67.

## 4 Venue

The proper venue to try a violator of former section 601 of Title 22 was in the district where the defendant acted as agent without having given prior notification to the Secretary of State. *U S v Bueck* D C Wis 1941 38 F Supp 300.

## 5 Indictment

Indictments charging that defendants conspired to transmit information relating to national defense and conspired to act as agents of another nation without prior notification to Secretary of State would not be dismissed on ground that United States placed defendants alleged coconspirators who were prospective witnesses, beyond jurisdiction of court without notice to defendants where there was no proof of suppression of evidence or even existence thereof. *U S v Igorov* D C N Y 1961 232 F Supp 732.

## 6 Evidence

Evidence sustained conviction of conspiracy to violate former section 601 of Title 22 which made it a crime not to register with the Secretary of State if one is acting as an agent of a foreign government. *U S v Heine* C C A N Y 1945 151 F 2d 813 certiorari denied 66 S Ct 975 328 US 833 90 F rd 1008.

## § 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 of 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 645 62 Stat 743

Library references United States 1023 CJS United States §§ 60 61

## Historical and Revision Notes

Reviser's Note Based on section 135 Minor changes of phraseology were made 80th Congress House Report No 304  
of Title 18 USC 1940 ed, Foreign Relations and Intercourse (June 10 1933 c 57 45 Stat 122)

## Cross References

Classified information

Disclosure by Government official penalty for see section 793(b), (d) of Title 50 War and National Defense

Disclosure of see section 793 of this title.

## § 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 any of its agents or subjects June 25, 1948, c 645, 62 Stat 744

## Historical and Revision Notes

Reviser's Note. Based on Title 18 USC 1940 ed § 5 (Mar 4 1909, c 321 § 5 35 Stat 1088 [derived from RS § 5335] Apr 22 1932 c 126, 47 Stat 132)

The reference to any citizen or resident within the jurisdiction of the United States not duly authorized who counsels advises or assists in such correspondence with such intent was omitted as unnecessary in view of definition of principal in section 2

Mandatory punishment provision was rephrased in the alternative.

Minor changes of arrangement and in phraseology were made. 80th Congress House Report No 304

Canal Zone Applicability of section to Canal Zone see section 14 of this title.

## Notes of Decisions

Generally 2  
Construction 1  
Recognition of insurgents 3

## Library references

International Law 1018  
CJS International Law § 18

1 Construction  
Any ambiguity in this chapter should be resolved in favor of lenity *Waldron v British Petroleum Co*, DCNY 1964 231 F Supp 72.

2 Generally  
Citizens of the United States are forbidden by this section to carry on cor

respondence or intercourse with any foreign government to any disadvantage to the United States Information Center Supp 205

3 Recognition of  
It was determined punishable by fine under that portion

## § 954. F

Whoever, in foreign government makes any unauthorized communication before any person which the affiant used to influence the government, or of an injury of the United States, or any measure of any agency thereof not more than June 25, 1948, c

Reviser's Note of Title 22 USC 2000a-2 (a) (1) 80 Title VIII § 1 1940 c. 72 § 6, 5

Mandatory punishment rephrased in the

Words deleted added to eliminate

Jurisdiction of Letters writing of this title.

Library reference International Law CJS International

1 Wilfully and Wilfully and by statement under

1 Espionage 1917

2 Title 18-952 Diplomatic Codes & Correspondence June 25, 1947  
e. 645, 62 Stat. 743.

3. Title 18-798 Disclosure of Classified Information

section (a) # (1) cryptography

(a) # (2) cryptography or communication intelligence

(a) # (3) communications intelligence

(a) # (4) obtained from communication intelligence

Oct. 31, 1957. e. 65-5 § 24(a), 65 Stat 719.



1109

Title 18 Sect 952 US Code  
1953 Dip Codes & <sup>of his</sup> ~~codes~~  
revelation.

Gen'l Special counsel have  
prepared ~~the~~ papers given outside  
the agency acting thro lanes  
as precedent for postulating  
Conin. Low standards plus may  
be in error

Dear Mr. Weldon,

*[Handwritten scribbles]*

S/S. 476

*[Handwritten mark]*