

1986—Subsec. (c). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1961 of this title.

§ 2345. Effect on State law

(a) Nothing in this chapter shall be construed to affect the concurrent jurisdiction of a State to enact and enforce cigarette tax laws, to provide for the confiscation of cigarettes and other property seized for violation of such laws, and to provide for penalties for the violation of such laws.

(b) Nothing in this chapter shall be construed to inhibit or otherwise affect any coordinated law enforcement effort by a number of States, through interstate compact or otherwise, to provide for the administration of State cigarette tax laws, to provide for the confiscation of cigarettes and other property seized in violation of such laws, and to establish cooperative programs for the administration of such laws.

(Added Pub. L. 95-575, §1, Nov. 2, 1978, 92 Stat. 2465.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1961 of this title.

§ 2346. Enforcement and regulations

The Secretary, subject to the provisions of section 2343(a) of this title, shall enforce the provisions of this chapter and may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter.

(Added Pub. L. 95-575, §1, Nov. 2, 1978, 92 Stat. 2465.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1961, 2344 of this title.

CHAPTER 115—TREASON, SEDITION, AND SUBVERSIVE ACTIVITIES

Sec.	
2381.	Treason.
2382.	Misprision of treason.
2383.	Rebellion or insurrection.
2384.	Seditious conspiracy.
2385.	Advocating overthrow of Government.
2386.	Registration of certain organizations.
2387.	Activities affecting armed forces generally.
2388.	Activities affecting armed forces during war.
2389.	Recruiting for service against United States.
2390.	Enlistment to serve against United States.
[2391.	Repealed.]

AMENDMENTS

1994—Pub. L. 103-322, title XXXIII, §330004(13), Sept. 13, 1994, 108 Stat. 2142, struck out item 2391 “Temporary extension of section 2388”.

1953—Act June 30, 1953, ch. 175, §5, 67 Stat. 134, added item 2391.

CROSS REFERENCES

Wire or oral communications, authorization for interception, to provide evidence of offenses under this section, see section 2516 of this title.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 2516 of this title; title 5 section 8312; title 8 section 1227; title 22 sections

1641k, 1642h; title 42 section 402; title 50 App. section 2017g.

§ 2381. Treason

Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than \$10,000; and shall be incapable of holding any office under the United States.

(June 25, 1948, ch. 645, 62 Stat. 807; Sept. 13, 1994, Pub. L. 103-322, title XXXIII, §330016(2)(J), 108 Stat. 2148.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§1, 2 (Mar. 4, 1909, ch. 321, §§1, 2, 35 Stat. 1088).

Section consolidates sections 1 and 2 of title 18, U.S.C., 1940 ed.

The language referring to collection of the fine was omitted as obsolete and repugnant to the more humane policy of modern law which does not impose criminal consequences on the innocent.

The words “every person so convicted of treason” were omitted as redundant.

Minor change was made in phraseology.

AMENDMENTS

1994—Pub. L. 103-322 inserted “under this title but” before “not less than \$10,000”.

CANAL ZONE

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

FEDERAL RULES OF CRIMINAL PROCEDURE

Indictment, see rule 7, Appendix to this title.

Release from custody, see rule 46.

Stay of execution and relief pending review, see rule 38.

Trial jurors, peremptory challenges, see rule 24.

CROSS REFERENCES

Counsel and witnesses in capital cases, see section 3005 of this title.

Definition and proof of treason, see Const. Art. III, §3, cl. 1.

Disqualification from holding any office of honor, trust, or profit, additional grounds for, see sections 592, 593, 1901, 2071, 2385, and 2387 of this title.

Extradition—

State, territory, or possession into extraterritorial jurisdiction of United States, see section 3183 of this title.

State or territory to State, district or territory, see section 3182 of this title.

Federal retirement benefits, forfeiture upon conviction of offenses under this section, see section 8312 of Title 5, Government Organization and Employees.

Forfeiture of veterans' benefits upon conviction under this section, see section 6105 of Title 38, Veterans' Benefits.

Grand jury indictment for capital crimes, see Const. Amend. 5.

Indictment and list of jurors and witnesses for prisoner in capital cases, see section 3432 of this title.

National Service Life Insurance, forfeiture of rights to insurance on account of treason, see section 1911 of Title 38, Veterans' Benefits.

Officers aiding importation of treasonous books and articles, see section 552 of this title.

Punishment of treason, power of Congress to declare, see Const. Art. III, §3, cl. 2.

Release and detention pending judicial proceedings, see section 3141 et seq. of this title.

United States nationality as lost by committing any act of treason, see sections 1481 to 1489 of Title 8, Aliens and Nationality.

Writings advocating treason declared nonmailable, see section 1717 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 14, 951, 3591, 3592 of this title; title 5 section 8312; title 8 section 1101; title 38 section 6105; title 50 App. section 34.

§ 2382. Misprision of treason

Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined under this title or imprisoned not more than seven years, or both.

(June 25, 1948, ch. 645, 62 Stat. 807; Sept. 13, 1994, Pub. L. 103-322, title XXXIII, § 330016(1)(H), 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 3 (Mar. 4, 1909, ch. 321, § 3, 35 Stat. 1088).

Mandatory punishment provision was rephrased in the alternative.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$1,000”.

CANAL ZONE

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

CROSS REFERENCES

Federal retirement benefits, forfeiture upon conviction of offenses under this section, see section 8312 of Title 5, Government Organization and Employees.

Forfeiture of veterans' benefits upon conviction under this section, see section 6105 of Title 38, Veterans' Benefits.

Misprision of felony, see section 4 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 14 of this title; title 5 section 8312; title 8 section 1101; title 38 section 6105; title 50 App. section 34.

§ 2383. 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 fined under this title or imprisoned not more than ten years, or both; and shall be incapable of holding any office under the United States.

(June 25, 1948, ch. 645, 62 Stat. 808; Sept. 13, 1994, Pub. L. 103-322, title XXXIII, § 330016(1)(L), 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 4 (Mar. 4, 1909, ch. 321, § 4, 35 Stat. 1088).

Word “moreover” was deleted as surplusage and minor changes were made in phraseology.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000”.

CANAL ZONE

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

CROSS REFERENCES

Disqualification as officers or electors of persons who have engaged in insurrection or rebellion and removal of disability, see Const. Amend. 14, § 3.

Federal retirement benefits, forfeiture upon conviction of offenses under this section, see section 8312 of Title 5, Government Organization and Employees.

Forfeiture of veterans' benefits upon conviction under this section, see section 6105 of Title 38, Veterans' Benefits.

Officers aiding importation of books and articles containing matter advocating insurrection against the United States, see section 552 of this title.

Writings advocating insurrection declared nonmailable, see section 1717 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 14 of this title; title 5 section 8312; title 8 section 1481; title 38 section 6105; title 50 App. section 34.

§ 2384. 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 under this title or imprisoned not more than twenty years, or both.

(June 25, 1948, ch. 645, 62 Stat. 808; July 24, 1956, ch. 678, § 1, 70 Stat. 623; Sept. 13, 1994, Pub. L. 103-322, title XXXIII, § 330016(1)(N), 108 Stat. 2148.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 6 (Mar. 4, 1909, ch. 321, § 6, 35 Stat. 1089).

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$20,000”.

1956—Act July 24, 1956, substituted “\$20,000” for “\$5,000”, and “twenty years” for “six years”.

EFFECTIVE DATE OF 1956 AMENDMENT

Section 3 of act July 24, 1956, provided that: “The foregoing amendments [amending this section and section 2385 of this title] shall apply only with respect to offenses committed on and after the date of the enactment of this Act [July 24, 1956].”

CANAL ZONE

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

CROSS REFERENCES

Alien advocates of overthrow of government, exclusion of, see section 1251 of Title 8, Aliens and Nationality.

Conspiracy to commit offense or to defraud United States or to impede or injure officer, see sections 371 and 372 of this title.