

Editorial Notes

AMENDMENTS

1954—Act Sept. 3, 1954, redefined and enlarged definitions.

1953—Act June 30, 1953, inserted “or defense activities” after “conduct of war” in definition of “war material”.

Statutory Notes and Related Subsidiaries

SHORT TITLE

Act Sept. 3, 1954, ch. 1261, § 1, 68 Stat. 1216, provided that: “This Act [amending this section and sections 794 and 2153 to 2156 of this title] may be cited as the ‘Espionage and Sabotage Act of 1954.’”

REPEALS

Act June 30, 1953, ch. 175, § 7, 67 Stat. 134, repealed Joint Res. July 3, 1952, ch. 570, § 1(a)(29), 66 Stat. 333; Joint Res. Mar. 31, 1953, ch. 13, § 1, 67 Stat. 18, formerly cited as credits to this section and also formerly set out as a note under this section.

§ 2152. Fortifications, harbor defenses, or defensive sea areas

Whoever willfully trespasses upon, injures, or destroys any of the works or property or material of any submarine mine or torpedo or fortification or harbor-defense system owned or constructed or in process of construction by the United States; or

Whoever willfully interferes with the operation or use of any such submarine mine, torpedo, fortification, or harbor-defense system; or

Whoever knowingly, willfully, or wantonly violates any duly authorized and promulgated order or regulation of the President governing persons or vessels within the limits of defensive sea areas, which the President, for purposes of national defense, may from time to time establish by executive order—

Shall be fined under this title or imprisoned not more than five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 799; Pub. L. 103-322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 96 (Mar. 4, 1909, ch. 321, § 44, 35 Stat. 1097; Mar. 4, 1917, ch. 180, 39 Stat. 1194; May 22, 1917, ch. 20, § 19, 40 Stat. 89).

Jurisdiction and venue provisions were omitted as unnecessary and inconsistent with Rule 18 of the Federal Rules of Criminal Procedure providing for prosecution where the offense is committed, and section 3238 of this title providing that trial of offenses committed outside any district shall be in the district where the offender is found, or into which he is first brought.

Words “on conviction thereof” were omitted as surplusage as punishment cannot be imposed until conviction is had.

Minor changes were made in phraseology.

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000” in last par.

Executive Documents

EXECUTIVE ORDER NO. 10361

Ex. Ord. No. 10361, June 12, 1952, 17 F.R. 5357, formerly set out under this section, which established the Whit-

tier Defensive Sea Area, Alaska, was revoked by Ex. Ord. No. 11549, July 28, 1970, 35 F.R. 12191.

§ 2153. Destruction of war material, war premises, or war utilities

(a) Whoever, when the United States is at war, or in times of national emergency as declared by the President or by the Congress, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, or, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, willfully injures, destroys, contaminates or infects, or attempts to so injure, destroy, contaminate or infect any war material, war premises, or war utilities, shall be fined under this title or imprisoned not more than thirty years, or both.

(b) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in subsection (a) of this section.

(June 25, 1948, ch. 645, 62 Stat. 799; June 30, 1953, ch. 175, § 2, 67 Stat. 133; Sept. 3, 1954, ch. 1261, title I, § 102, 68 Stat. 1217; Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on section 102 of title 50, U.S.C., 1940 ed., War and National Defense (Apr. 20, 1918, ch. 59, § 2, 40 Stat. 534).

“As herein defined” was deleted as surplusage.

The conspiracy provisions are new. Their addition to the section was strongly urged by the Criminal Division of the Department of Justice, considering the gravity of the substantive offense as evidenced by the prescribed punishment therefor. The punishment provisions of the general conspiracy statute, section 371 of this title, are inadequate.

Words “upon conviction thereof” were omitted as unnecessary since punishment cannot be imposed until a conviction is secured.

Minor changes were made in phraseology.

Editorial Notes

AMENDMENTS

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

1954—Act Sept. 3, 1954, made section applicable in time of national emergency as well as war, and recognized the possibility of bacteriological warfare by making “contamination” a crime.

1953—Subsec. (a). Act June 30, 1953, inserted “or defense activities” after “carrying on the war”.

Statutory Notes and Related Subsidiaries

REPEALS

Act June 30, 1953, ch. 175, § 7, 67 Stat. 134, repealed Joint Res. July 3, 1952, ch. 570, § 1(a)(29), 66 Stat. 333; Joint Res. Mar. 31, 1953, ch. 13, § 1, 67 Stat. 18, formerly cited as credits to this section and also formerly set out as a note under this section.

§ 2154. Production of defective war material, war premises, or war utilities

(a) Whoever, when the United States is at war, or in times of national emergency as declared by