

Section 672, act Dec. 18, 1942, ch. 766, § 13, 56 Stat. 1063, defined terms used in sections 661 to 671 of this title.

CHAPTER 13—SERVICE COURTS OF FRIENDLY FOREIGN FORCES

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§ 701. Definitions

As used in this chapter, unless the context clearly requires a different meaning—

(a) “Friendly foreign force” means any military, naval, or air force of any friendly foreign state with respect to which this chapter is operative by virtue of a Presidential declaration as provided in section 706 of this title.

(b) “Service court” means any military, naval, or air force court, or court martial or similar tribunal of any friendly foreign force within the United States.

(c) “United States” means the United States, its Territories, its insular possessions, the Canal Zone, and any other place subject to the jurisdiction of the United States.

(June 30, 1944, ch. 326, § 1, 58 Stat. 643; Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352.)

Editorial Notes

REFERENCES IN TEXT

For definition of Canal Zone, referred to in subsec. (c), see section 3602(b) of this title.

CODIFICATION

The phrase “(including the Philippine Islands)” omitted from the definition of the term “United States” in subsection (b), pursuant to 1946 Proc. No. 2695, which granted independence to the Philippine Islands under the authority of section 1394 of this title, under which section Proc. No. 2695 is set out as a note.

§ 702. Arrest of offenders

Upon a specific or general request of the officer commanding any friendly foreign force, having service courts of appropriate jurisdiction within the United States, it shall be lawful for any person in the civil, military, or naval establishments of the United States having authority to arrest, summarily to arrest any member of such force designated in such request and to deliver him to the custody of any officer of such force or to the custody of the military or naval authorities of the United States who shall deliver him forthwith to the custody of an officer of such force, for trial in such service courts within the United States for such offenses as shall lie within the jurisdiction of the service courts of such friendly foreign force: *Provided*, That the trial of any member of such friendly foreign force for an offense against a member of the civilian population shall be in open court (except where security consideration forbids), shall take place promptly in the United States and within a reasonable distance from the place where the offense is alleged to have been committed, for the convenience of witnesses.

(June 30, 1944, ch. 326, § 2, 58 Stat. 643.)

§ 703. Attendance of witnesses

(a) Subpoena; contempt; fees

Any district court of the United States, or the United States courts of any Territory or possession, within the jurisdiction of which proceedings are had before any service court of a friendly foreign force, or within the jurisdiction of which any person is found, shall have jurisdiction, upon application made by a service court of a friendly foreign force, to issue to such person an order requiring him to appear before the service court or an officer designated to take a deposition for use before such service court and there to produce evidence or give testimony if so ordered. Any failure to obey such order of the court may be punished by said court as a contempt thereof: *Provided*, That the fees of such witnesses and the mileage at the rate allowed to witnesses attending the courts of the United States should be duly paid or tendered in advance to such witnesses, with funds to be supplied by the friendly foreign force. Except as expressly permitted by the court, in its discretion, no such order shall run into any other district.

(b) Members of armed forces

Attendance of witnesses in the armed services of the United States shall be obtained by request addressed to the discretion of the commanding officer of the person whose testimony is required.

(c) False testimony; punishment

Persons subject to the jurisdiction of the United States, who are not members of a friendly foreign force, who shall give false testimony or shall commit any act in the presence of a service court of a friendly foreign force which, if committed before a court of the United States, would be in contempt thereof, shall upon conviction by a court of the United States be fined not more than \$2,000 or imprisoned for not more than six months, or both.

(June 30, 1944, ch. 326, § 3, 58 Stat. 644; Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352.)

Editorial Notes

CODIFICATION

In subsec. (a), reference to “or any court of first instance of the Philippine Commonwealth” omitted pursuant to Proc. No. 2695, which granted independence to the Philippines under the authority of section 1394 of this title, under which section said Proc. No. 2695 is set out as a note.

In subsec. (a), reference to “the District Court of the United States for the District of Columbia” omitted because the District of Columbia constitutes a judicial district, and the District Court of the United States for the District of Columbia is included within the term “district courts of the United States” as used in such subsection. See sections 88 and 132 of Title 28, Judiciary and Judicial Procedure.

§ 704. Immunities of courts and witnesses

Members of any service court of a friendly foreign force lawfully exercising jurisdiction in the United States in relation to members of such force, and any witnesses appearing before such service court, shall enjoy the same immunities

and privileges as are enjoyed by members of a court martial of the United States and by witnesses appearing before such a court martial.

(June 30, 1944, ch. 326, § 4, 58 Stat. 644.)

§ 705. Imprisonment

Persons sentenced to imprisonment by a service court of a friendly foreign force may be confined in disciplinary barracks, guardhouses, or other places of detention of the United States armed forces or in penitentiaries or other institutions employed by the United States for the detention or treatment of prisoners, at the expense of the state on whose behalf the prisoner is detained.

(June 30, 1944, ch. 326, § 5, 58 Stat. 644.)

§ 706. Operative effect dependent upon Presidential finding

This chapter shall be operative with respect to the military, naval, or air forces of any foreign state only after a finding and declaration by the President that the powers and privileges provided herein are necessary for the maintenance of discipline. The President may at any time revoke such finding and declaration.

(June 30, 1944, ch. 326, § 6, 58 Stat. 645.)

Executive Documents

PROCLAMATION No. 2626

Proc. No. 2626, Oct. 12, 1944, 9 F.R. 12403, respecting activation by President, was revoked by Proc. No. 3107, Aug. 9, 1955, 20 F.R. 5805.

CHAPTER 14—FOREIGN SERVICE

Statutory Notes and Related Subsidiaries

REPEAL OF CHAPTER

Pub. L. 96-465, title II, § 2205, Oct. 17, 1980, 94 Stat. 2159, repealed the Foreign Service Act of 1946 and related and miscellaneous provisions classified to this chapter. Pursuant to section 2403 of Pub. L. 96-465, set out as a note under section 3901 of this title, Pub. L. 96-465 is effective, except as otherwise provided, on Feb. 15, 1981. Notwithstanding repeal, however, of the provisions of this chapter, section 4172 of this title continues in force and effect the Foreign Service Act of 1946 and any other law repealed, modified, or affected by Pub. L. 96-465 for the purposes enumerated in such section 4172.

Editorial Notes

REVISION OF LAWS

Congress by the enactment of the Foreign Service Act of 1980, Pub. L. 96-465, Oct. 17, 1980, 94 Stat. 2071, classified principally to chapter 52 (§ 3901 et seq.) of this title, consolidated and revised the laws relating to the administration, etc., of the Foreign Service.

Prior to the enactment of the Foreign Service Act of 1980, the Foreign Service Act of 1946 and related and miscellaneous provisions, which governed the Foreign Service, were classified to this chapter. Some former provisions of this chapter, prior to the enactment of the Foreign Service Act of 1946, had similar and related provisions classified to former chapter 1 of this title as follows:

Former Chapter 1	Former Chapter 14
1, 1a	801
2	801, 909
3	861-870

Former Chapter 1	Former Chapter 14
3a	995
4	906, 907
5	911, 912
6	906
7	993
8	Omitted
9	1036
10, 11	Omitted
12	1131
13	812
14	Omitted
15	961-963
16	963-965
17	1148
17a	1148-1150
18	Omitted
19	909
20	876
21	1061 et seq.
21a	1063
22	915
23	Omitted
23a	861, 870
23b	937
23c	1131
23d	937
23e	886
23f	826, 827
23g	821
23h	826, 827, 861 et seq.
23i	1061 et seq.
23j	882
23k	813
23l	814
24	805
31	901
32	900 et seq.
32a	866, 867
33	910
34 to 34c	901
35	936-939
36, 37	Omitted
38	805
39	803
40	802
41	901 note
51	Omitted
51a	938, 951
52	Omitted
53	1171
54	Omitted
55	908
56	936
57, 58	Omitted
71	Omitted
72 to 79	1172-1179
80 to 82	Omitted
83 to 98	1180-1195
99	Omitted
100 to 104	1196-1200
105 to 109	Omitted
121	881, 882
122, 123	Omitted
124	882
125	861 et seq.
126	806
127	1201
128	1202
129	Omitted
130	1082
130a	1136
130b	1136, 1138
131	1203
132	842, 843
133	Omitted
134	809
135	815
136	909 note

Provisions similar to those contained in the Foreign Service Act of 1946 and related and miscellaneous provisions formerly classified to this chapter are covered by various sections as follows:

Former Chapter 14	Present Title 22
801	3901
802	3902
803-806	3905
807	3905
808	Rep.
809	2697
810	2698
811	Rep.
811a	3921, 3928
812-814	4224-4226
815	Rep.
816	2701
817	2702
821	3928
822	Rep.
826	3930