

**Editorial Notes**

## CODIFICATION

Second sentence was from a proviso to the first sentence, which was affected by act Aug. 7, 1946.

## AMENDMENTS

1946—Act Aug. 7, 1946, repealed all provisions requiring annual reports to Congress of the Council's activities and expenditures.

**Statutory Notes and Related Subsidiaries**

## TERMINATION OF ADVISORY COMMISSIONS

Advisory commissions in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a commission established by the President or an officer of the Federal Government, such commission is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a commission established by the Congress, its duration is otherwise provided by law. Advisory commissions established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a commission established by the President or an officer of the Federal Government, such commission is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a commission established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

**§ 6. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 644**

Section, act June 5, 1920, ch. 235, 41 Stat. 886, placed a limit on salaries of officers and employees of Council of National Defense.

**CHAPTER 2—BOARD OF ORDNANCE AND FORTIFICATION****§§ 11 to 15. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029**

Section 11, act Sept. 22, 1888, ch. 1028, § 1, 25 Stat. 489, related to composition and duties of Board of Ordnance and Fortification.

Section 12, act Feb. 24, 1891, ch. 283, 26 Stat. 769, provided for a civilian member of Board.

Section 13, act Mar. 2, 1901, ch. 803, 31 Stat. 910, provided for additional members of Board.

Section 14, act Feb. 18, 1893, ch. 136, 27 Stat. 461, related to qualifications of Board Members.

Section 15, act Sept. 22, 1888, ch. 1028, § 6, 25 Stat. 490, related to purchases and tests.

**CHAPTER 3—ALIEN ENEMIES**

Sec.

21. Restraint, regulation, and removal.
22. Time allowed to settle affairs and depart.
23. Jurisdiction of United States courts and judges.
24. Duties of marshals.

**§ 21. Restraint, regulation, and removal**

Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile na-

tion or government, being of the age of fourteen years and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies. The President is authorized in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety.

(R.S. § 4067; Apr. 16, 1918, ch. 55, 40 Stat. 531.)

**Editorial Notes**

## CODIFICATION

R.S. § 4067 derived from act July 6, 1798, ch. 66, § 1, 1 Stat. 577.

## AMENDMENTS

1918—Act Apr. 16, 1918, struck out provision restricting this section to males.

**Executive Documents**

## WORLD WAR II PROCLAMATIONS

The following proclamations under this section were issued during World War II:

- Proc. No. 2525, Dec. 7, 1941, 6 F.R. 6321, 55 Stat. Pt. 2, 1700.
- Proc. No. 2526, Dec. 8, 1941, 6 F.R. 6323, 55 Stat. Pt. 2, 1705.
- Proc. No. 2527, Dec. 8, 1941, 6 F.R. 6324, 55 Stat. Pt. 2, 1707.
- Proc. No. 2533, Dec. 29, 1941, 7 F.R. 55, 55 Stat. Pt. 2, 1714.
- Proc. No. 2537, Jan. 14, 1942, 7 F.R. 329, 56 Stat. Pt. 2, 1933, revoked by Proc. No. 2678, Dec. 29, 1945, 11 F.R. 221, 60 Stat. Pt. 2, 1336.
- Proc. No. 2563, July 17, 1942, 7 F.R. 5535, 56 Stat. Pt. 2, 1970.
- Proc. No. 2655, July 14, 1945, 10 F.R. 8947, 59 Stat. Pt. 2, 870.
- Proc. No. 2674, Dec. 7, 1945, 10 F.R. 14945, 59 Stat. Pt. 2, 889.
- Proc. No. 2685, Apr. 11, 1946, 11 F.R. 4079, 60 Stat. Pt. 2, 1342, set out as a note preceding section 1 of this title.

## WORLD WAR I PROCLAMATIONS

Proclamations issued under this chapter during the years 1917 and 1918 will be found in 40 Stat. 1651, 1716, 1730, and 1772.

**§ 22. Time allowed to settle affairs and depart**

When an alien who becomes liable as an enemy, in the manner prescribed in section 21 of this title, is not chargeable with actual hostility, or other crime against the public safety, he shall be allowed, for the recovery, disposal, and removal of his goods and effects, and for his departure, the full time which is or shall be stipulated by any treaty then in force between the United States and the hostile nation or government of which he is a native citizen, denizen, or subject; and where no such treaty exists, or is in

force, the President may ascertain and declare such reasonable time as may be consistent with the public safety, and according to the dictates of humanity and national hospitality.

(R.S. § 4068.)

#### Editorial Notes

##### CODIFICATION

R.S. § 4068 derived from acts July 6, 1798, ch. 66, § 1, 1 Stat. 577; July 6, 1812, ch. 130, 2 Stat. 781.

### § 23. Jurisdiction of United States courts and judges

After any such proclamation has been made, the several courts of the United States, having criminal jurisdiction, and the several justices and judges of the courts of the United States, are authorized and it shall be their duty, upon complaint against any alien enemy resident and at large within such jurisdiction or district, to the danger of the public peace or safety, and contrary to the tenor or intent of such proclamation, or other regulations which the President may have established, to cause such alien to be duly apprehended and conveyed before such court, judge, or justice; and after a full examination and hearing on such complaint, and sufficient cause appearing, to order such alien to be removed out of the territory of the United States, or to give sureties for his good behavior, or to be otherwise restrained, conformably to the proclamation or regulations established as aforesaid, and to imprison, or otherwise secure such alien, until the order which may be so made shall be performed.

(R.S. § 4069.)

#### Editorial Notes

##### CODIFICATION

R.S. § 4069 derived from act July 6, 1798, ch. 66, § 2, 1 Stat. 577.

### § 24. Duties of marshals

When an alien enemy is required by the President, or by order of any court, judge, or justice, to depart and to be removed, it shall be the duty of the marshal of the district in which he shall be apprehended to provide therefor and to execute such order in person, or by his deputy or other discreet person to be employed by him, by causing a removal of such alien out of the territory of the United States; and for such removal the marshal shall have the warrant of the President, or of the court, judge, or justice ordering the same, as the case may be.

(R.S. § 4070.)

#### Editorial Notes

##### CODIFICATION

R.S. § 4070 derived from act July 6, 1798, ch. 66, § 3, 1 Stat. 578.

## CHAPTER 4—ESPIONAGE

### §§ 31 to 39. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862

Section 31, acts June 15, 1917, ch. 30, title I, § 1, 40 Stat. 217; Mar. 28, 1940, ch. 72, title I, § 1, 54 Stat. 79, re-

lated to unlawful obtaining or permitting to be obtained information affecting national defense. See section 793 of Title 18, Crimes and Criminal Procedure.

Section 32, act June 15, 1917, ch. 30, title I, § 2, 40 Stat. 218, related to unlawful disclosures affecting national defense. See section 794 of Title 18.

Section 33, act June 15, 1917, ch. 30, title I, § 3, 40 Stat. 219, related to seditious or disloyal acts or words in time of war. See section 2388 of Title 18. Section 33 was amended by act May 16, 1918, ch. 75, § 1, 40 Stat. 553, which was repealed and the original section reenacted by act Mar. 3, 1921, ch. 136, 41 Stat. 1359.

Section 34, act June 15, 1917, ch. 30, title I, § 4, 40 Stat. 219, related to conspiracy to violate sections 32 and 33 of this title. See sections 794 and 2388 of Title 18.

Section 35, acts June 15, 1917, ch. 30, title I, § 5, 40 Stat. 219; Mar. 28, 1940, ch. 72, § 2, 54 Stat. 79, related to the harboring or concealing of violators of the law. See sections 792 and 2388 of Title 18.

Section 36, act June 15, 1917, ch. 30, title I, § 6, 40 Stat. 219, related to designation by proclamation of prohibited areas. See section 793 of Title 18.

Section 37, act June 15, 1917, ch. 30, title I, § 8, 40 Stat. 219, related to places subject to provisions of sections 31 to 42 of this title. See section 2388 of Title 18.

Section 38, act June 15, 1917, ch. 30, title I, § 7, 40 Stat. 219, related to jurisdiction of courts-martial and military commissions.

Section 39, act June 15, 1917, ch. 30, title XIII, § 2, 40 Stat. 231; Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, related to jurisdiction of Canal Zone courts over offenses on high seas. See section 3241 of Title 18.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF REPEAL

Repeal of sections 31 to 39 effective Sept. 1, 1948, see section 38 of act June 25, 1948, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

### § 40. Transferred

#### Editorial Notes

##### CODIFICATION

Section, act June 15, 1917, ch. 30, title XIII, § 1, 40 Stat. 231, defined "United States" as used in act June 15, 1917, and was transferred to section 195 of this title.

### § 41. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862

Section, act June 15, 1917, ch. 30, title VIII, § 4, 40 Stat. 226, defined "Foreign government". See section 11 of Title 18, Crimes and Criminal Procedure.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1948, see section 38 of act June 25, 1948, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

### § 42. Transferred

#### Editorial Notes

##### CODIFICATION

Section, act June 15, 1917, ch. 30, title XIII, § 4, 40 Stat. 231, related to savings provisions and is set out as a Separability note under section 195 of this title.

Section was formerly classified to section 536 of Title 18 prior to the general revision and enactment of Title 18, Crimes and Criminal Procedure, by act June 25, 1948, ch. 645, 62 Stat. 683.