

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; Pub. L. 103–322, title XXXIII, §330016(1)(N), Sept. 13, 1994, 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).

#### **EDITORIAL NOTES**

#### **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".

#### **STATUTORY NOTES AND RELATED SUBSIDIARIES**

#### **EFFECTIVE DATE OF 1956 AMENDMENT**

Act July 24, 1956, ch. 678, §3, 70 Stat. 624, 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]."

### **§2385. Advocating overthrow of Government**

Whoever knowingly or willfully advocates, abets, advises, or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the government of the United States or the government of any State, Territory, District or Possession thereof, or the government of any political subdivision therein, by force or violence, or by the assassination of any officer of any such government; or

Whoever, with intent to cause the overthrow or destruction of any such government, prints, publishes, edits, issues, circulates, sells, distributes, or publicly displays any written or printed matter advocating, advising, or teaching the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence, or attempts to do so; or

Whoever organizes or helps or attempts to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any such government by force or violence; or becomes or is a member of, or affiliates with, any such society, group, or assembly of persons, knowing the purposes thereof—

shall be fined under this title or imprisoned not more than twenty years, or both, and shall be ineligible to

shall be fined under this title or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction.

If two or more persons conspire to commit any offense named in this section, each shall be fined under this title or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction.

As used in this section, the terms "organizes" and "organize", with respect to any society, group, or assembly of persons, include the recruiting of new members, the forming of new units, and the regrouping or expansion of existing clubs, classes, and other units of such society, group, or assembly of persons.

(June 25, 1948, ch. 645, 62 Stat. 808; July 24, 1956, ch. 678, §2, 70 Stat. 623; Pub. L. 87-486, June 19, 1962, 76 Stat. 103; Pub. L. 103-322, title XXXIII, §330016(1)(N), Sept. 13, 1994, 108 Stat. 2148.)

#### **HISTORICAL AND REVISION NOTES**

Based on title 18, U.S.C., 1940 ed., §§10, 11, 13 (June 28, 1940, ch. 439, title I, §§2, 3, 5, 54 Stat. 670, 671).

Section consolidates sections 10, 11, and 13 of title 18, U.S.C., 1940 ed. Section 13 of title 18, U.S.C., 1940 ed., which contained the punishment provisions applicable to sections 10 and 11 of title 18, U.S.C., 1940 ed., was combined with section 11 of title 18, U.S.C., 1940 ed., and added to this section.

In first paragraph, words "the Government of the United States or the government of any State, Territory, District or possession thereof, or the government of any political subdivision therein" were substituted for "any government in the United States".

In second and third paragraphs, word "such" was inserted after "any" and before "government", and words "in the United States" which followed "government" were omitted.

In view of these changes, the provisions of subsection (b) of section 10 of title 18, U.S.C., 1940 ed., which defined the term "government in the United States" were omitted as unnecessary.

Reference to conspiracy to commit any of the prohibited acts was omitted as covered by the general conspiracy provision, incorporated in section 371 of this title. (See reviser's note under that section.)

Words "upon conviction thereof" which preceded "be fined" were omitted as surplusage, as punishment cannot be imposed until a conviction is secured.

The phraseology was considerably changed to effect consolidation but without any change of substance.

#### **EDITORIAL NOTES**

#### **AMENDMENTS**

**1994**—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$20,000" in fourth and fifth pars.

**1962**—Pub. L. 87-486 defined the terms "organizes" and "organize".