

UNITED STATES CODE SERVICE
Copyright © 2009 Matthew Bender & Company, Inc.
a member of the LexisNexis Group (TM)
All rights reserved.

*** CURRENT THROUGH PL 111-80, APPROVED 10/21/2009 ***

TITLE 18. CRIMES AND CRIMINAL PROCEDURE
PART I. CRIMES
CHAPTER 102. RIOTS

Go to the United States Code Service Archive Directory

18 USCS § 2101

§ 2101. Riots

(a) Whoever travels in interstate or foreign commerce or uses any facility of interstate or foreign commerce, including, but not limited to, the mail, telegraph, telephone, radio, or television, with intent--

- (1) to incite a riot; or
- (2) to organize, promote, encourage, participate in, or carry on a riot; or
- (3) to commit any act of violence in furtherance of a riot; or
- (4) to aid or abet any person in inciting or participating in or carrying on a riot or committing any act of violence in furtherance of a riot;

and who either during the course of any such travel or use or thereafter performs or attempts to perform any other overt act for any purpose specified in subparagraph (A), (B), (C), or (D) of this paragraph [paragraph (1), (2), (3), or (4) of this subsection]--

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

(b) In any prosecution under this section, proof that a defendant engaged or attempted to engage in one or more of the overt acts described in subparagraph (A), (B), (C), or (D) of paragraph (1) [paragraph (1), (2), (3), or (4)] of subsection (a) and (1) has traveled in interstate or foreign commerce, or (2) has use of or used any facility of interstate or foreign commerce, including but not limited to, mail, telegraph, telephone, radio, or television, to communicate with or broadcast to any person or group of persons prior to such overt acts, such travel or use shall be admissible proof to establish that such defendant traveled in or used such facility of interstate or foreign commerce.

(c) A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts.

(d) Whenever, in the opinion of the Attorney General or of the appropriate officer of the Department of Justice charged by law or under the instructions of the Attorney General with authority to act, any person shall have violated this chapter, the Department shall proceed as speedily as possible with a prosecution of such person hereunder and with any appeal which may lie from any decision adverse to the Government resulting from such prosecution.

(e) Nothing contained in this section shall be construed to make it unlawful for any person to travel in, or use any facility of, interstate or foreign commerce for the purpose of pursuing the legitimate objectives of organized labor, through orderly and lawful means.

18 USCS § 2101

(f) Nothing in this section shall be construed as indicating an intent on the part of Congress to prevent any State, any possession or Commonwealth of the United States, or the District of Columbia, from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section; nor shall anything in this section be construed as depriving State and local law enforcement authorities of responsibility for prosecuting acts that may be violations of this section and that are violations of State and local law.

HISTORY:

(Added Apr. 11, 1968, P.L. 90-284, Title I, § 104(a), 82 Stat. 75; Aug. 22, 1986, P.L. 99-386, Title I, § 106, 100 Stat. 822; Sept. 13, 1994, P.L. 103-322, Title XXXIII, § 330016(1)(L), 108 Stat. 2147; Oct. 11, 1996, P.L. 104-294, Title VI, § 601(f)(15), 110 Stat. 3500.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Explanatory notes:

The bracketed words "paragraph (1), (2), (3), or (4) of this subsection" have been inserted in the concluding matter of subsec. (a) as the words probably intended by Congress.

The bracketed words "paragraph (1), (2), (3), or (4)" have been inserted in subsec. (b) as the words probably intended by Congress.

Amendments:

1986. Act Aug. 22, 1986, in subsec. (d), substituted a concluding period for "; or in the alternative shall report in writing, to the respective Houses of the Congress, the Department's reason for not so proceeding."

1994. Act Sept. 13, 1994, in subsec. (a), in the concluding matter, substituted "under this title" for "not more than \$ 10,000".

1996. Act Oct. 11, 1996, in subsec. (a), deleted "(1)" preceding "Whoever", and redesignated subparas. (A)-(D) as paras. (1)-(4), respectively.

NOTES:

Related Statutes & Rules:

Interstate commerce and foreign commerce defined, *18 USCS § 10*.

Acts in connection with civil disorders as federal crime, *18 USCS §§ 231-233*.

Instigating or participating in prison riot as federal crime, *18 USCS § 1792*.

Authorization for interception of wire or oral communications to obtain evidence for offenses under this section, *18 USCS § 2516*.

Research Guide:

Federal Procedure:

3 Fed Proc L Ed, Armed Forces, Civil Disturbances, and National Defense § 5:619.

8A Fed Proc L Ed, Criminal Procedure § 22:250.

Forms:

3 Fed Procedural Forms L Ed, Armed Forces, Civil Disturbances, and National Defense § 5:220.
17C Am Jur Pl & Pr Forms (Rev ed), Mobs and Riots § 3.

Annotations:

Right of petition and assembly under *Federal Constitution's First Amendment*--Supreme Court cases, 86 L Ed 2d 758.
Validity, construction, and application of federal Anti-Riot Act of 1968 (18 USCS §§ 2101, 2102). 22 ALR Fed 256.
Insulting words addressed directly to police officer as breach of peace or disorderly conduct. 14 ALR4th 1252.
Sufficiency of evidence to establish criminal participation by individual involved in gang fight or assault. 24 ALR4th 243.
What constitutes sufficiently violent, tumultuous, forceful, aggressive, or terrorizing conduct to establish crime of riot in state courts. 38 ALR4th 648.
Prosecutions of inmates of state or local penal institutions for crime of riot. 39 ALR4th 1170.
Validity and construction of terroristic threat statutes. 45 ALR4th 949.
Larceny as within disorderly conduct statute or ordinance. 71 ALR3d 1156.

Law Review Articles:

Church, Jr. Conspiracy Doctrine and Speech Offenses: A Reexamination of Yates v United States From the Perspective of United States v Spock. 60 Cornell L Rev 569, April 1975.
Cunningham. Trial of Gainesville Eight: Legal Lessons of Political Trial. 10 Criminal L Bull 215, 1974.
Comment, Riot Legislation: Tale of Two Eras. 68 Nw U L Rev 976, 1973-74.
Lahav. Law and Character: The Chicago Conspiracy Trial: Character and Judicial Discretion. 71 U Colo L Rev 1327, 2000.
Schultz. "The Substance of the Crime was a State of Mind"--How a Mainstream, Middle Class Jury Came to War with Itself. 68 UMKC L Rev 637, Summer 2000.
M. Zalman. Federal Anti-riot Act and Political Crime: the Need for Criminal Law Theory. 20 Villanova L Rev 897, June 1975.

Interpretive Notes and Decisions:

I.IN GENERAL 1. Constitutionality 2. Relationship with other federal laws

II.ELEMENTS OF CRIME 3. Intent 4. Overt act

III.DEFENSES 5. Generally

IV.PROSECUTION AND PUNISHMENT 6. Grand jury proceedings 7. Indictment or information 8. Evidence 9.--Presumptions and inferences 10. Intent

I.IN GENERAL 1. Constitutionality

Convention of three-judge district court to consider constitutionality of 18 USCS § 2101 was unnecessary when it was shown that intent requirement of statute narrows its scope and exempts innocent and inadvertent conduct, statute excludes expression or advocacy of ideas nonviolent in nature, and gives sufficient warning as to conduct proscribed when measured by common understanding and practices. National Mobilization Committee to End War in Viet Nam v Foran (1969, CA7 Ill) 411 F2d 934.

18 USCS § 2101 is not unconstitutional on its face since it punishes speech only when sufficiently close relationship between such speech and violent action is found to exist and therefore punishes travel only in instances adequately involving punishable purpose. United States v Dellinger (1972, CA7 Ill) 472 F2d 340, 22 ALR Fed 159, cert den (1973) 410 US 970, 35 L Ed 2d 706, 93 S Ct 1443.

18 USCS § 2101

Federal Anti-Riot Act of 1968 (*18 USCS §§ 2101, 2102*) effectively avoided infirmities of overbreadth and vagueness, in that adequate statutory guidance, delineating between lawful and unlawful conduct, was given to public in compliance with standards of due process of law. *In re Shead* (1969, ND Cal) 302 F Supp 560, affd (1969, CA9 Cal) 417 F2d 384, cert den (1970) 399 US 935, 26 L Ed 2d 807, 90 S Ct 2253, reh den (1970) 400 US 855, 27 L Ed 2d 93, 91 S Ct 27.

18 USCS § 2101 does not violate constitutional guaranties of free speech and assembly nor is it unconstitutional exercise of commerce power; neither does it violate right of freedom to travel throughout union nor due process clause by authorizing conviction when unlawful intent and prohibited act do not coincide, nor is it attempt to perpetuate status of inferiority imposed upon blacks by system of slavery. *United States v Hoffman* (1971, DC Dist Col) 334 F Supp 504.

2. Relationship with other federal laws

Fire loss caused by three inmates of maximum security section of adult correctional institution setting fire to facility by pushing burning mop through tiled roof was not caused by "riot" or "civil disorder" within meaning of either Urban Property Protection and Reinsurance Act of 1968, *12 USCS §§ 1749bbb-1749bbb-21*, or of *18 USCS §§ 2101, 2102*; statutes were passed to achieve very different purposes and Congress may use broader term for identifying activities which it chooses to proscribe and use, or allow agency to use, narrower term to identify what losses Federal Government will reimburse. *Providence Washington Ins. Co. v Lynn* (1974, CA1 RI) 492 F2d 979.

II.ELEMENTS OF CRIME 3. Intent

18 USCS § 2101 does not require that nature, situation, and details of riot contemplated at time of travel remain exactly identical until time of overt act, but does require that they be sufficiently similar so that it is reasonable to say that overt act is same, or evolving product of, one intended at time of travel, such substantial identity essential to avoid having statute impinge on right to travel, and to tie interstate travel to some socially harmful consequence: thus, in order to convict, substantially same unlawful intent must be found to exist at two points in time. *United States v Dellinger* (1972, CA7 Ill) 472 F2d 340, 22 ALR Fed 159, cert den (1973) 410 US 970, 35 L Ed 2d 706, 93 S Ct 1443.

4. Overt act

18 USCS § 2101(a)(1)(A)-(D) are generic descriptions of necessary overt acts and are not merely goals to which such overt acts contribute; thus, by definition in *18 USCS § 2102(b)* it follows that where overt act is speech, such speech must at least have "urged or instigated" assemblage to riot, and such speech must cause high likelihood of riot as defined in statute. *United States v Dellinger* (1972, CA7 Ill) 472 F2d 340, 22 ALR Fed 159, cert den (1973) 410 US 970, 35 L Ed 2d 706, 93 S Ct 1443.

III.DEFENSES 5. Generally

One of elements essential for conviction under *18 USCS § 2101* is degree of probability that alleged overt act will produce riot as defined in *18 USCS § 2102(a)*; evidence tending to show that police measures caused crowd to riot would tend to exonerate defendants' speeches from such responsibility. *United States v Dellinger* (1972, CA7 Ill) 472 F2d 340, 22 ALR Fed 159, cert den (1973) 410 US 970, 35 L Ed 2d 706, 93 S Ct 1443.

IV.PROSECUTION AND PUNISHMENT 6. Grand jury proceedings

In investigating possible violations of *18 USCS § 2101*, grand jury can grant each witness immunity and require testimony concerning matters even remotely relevant to section; immunity is coextensive with inquiry. *Carter v United States* (1969, CA9 Cal) 417 F2d 384, cert den (1970) 399 US 935, 26 L Ed 2d 807, 90 S Ct 2253, reh den (1970) 400 US 855, 27 L Ed 2d 93, 91 S Ct 27.

7. Indictment or information

Indictment in which each count charged particular defendant with traveling during certain period of time in interstate commerce from outside Illinois to Chicago "with intent to incite, organize, promote and encourage a riot" and that on or about specified date at specified location in Chicago "he did speak to [an] assemblage[s] of persons for the purposes of inciting, organizing, promoting and encouraging a riot;" in violation of *18 USCS § 2101*, adequately stated offense, notwithstanding argument that when indictment charges inciting speech as offense, First Amendment considerations require greater specificity than is found in present indictment. *United States v Dellinger* (1972, CA7 Ill) 472 F2d 340, 22 ALR Fed 159, cert den (1973) 410 US 970, 35 L Ed 2d 706, 93 S Ct 1443.

8. Evidence

18 USCS § 2101

In prosecution under *18 USCS § 2101*, written statements of defendants describing plans for convention week activity were improperly excluded from evidence on ground of their being self-serving where central issue at trial was intent of each defendant at time of interstate travel and at time of alleged overt acts. *United States v Dellinger (1972, CA7 Ill) 472 F2d 340, 22 ALR Fed 159, cert den (1973) 410 US 970, 35 L Ed 2d 706, 93 S Ct 1443.*

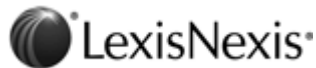
Evidence of teaching or learning use of firearms has probative value in determining whether elements of *18 USCS § 2101* have or have not been committed, and it is well within power of grand jury to inquire into such matters. *In re Shead (1969, ND Cal) 302 F Supp 569, affd (1969, CA9 Cal) 417 F2d 384, cert den (1970) 399 US 935, 26 L Ed 2d 807, 90 S Ct 2253, reh den (1970) 400 US 855, 27 L Ed 2d 93, 91 S Ct 27.*

9.--Presumptions and inferences

In prosecution under *18 USCS § 2101*, with respect to determination whether speech caused high likelihood of riot as defined in statute, inference may be drawn, in absence of other circumstances, that if riot did not occur and no force, such as police action, intervened to prevent riot, speech did not have sufficient capacity to propel action; however, occurrence of riot following particular speech, or fact that force sufficient to prevent riot intervened, bears upon, but does not conclusively establish proposition that speech had such capacity; organizational relationship between hearers and speaker or some other commitment by hearers to follow directions of speaker may themselves establish adequate probability that words in question will produce action; one of elements essential for conviction under *18 USCS § 2101* is degree of probability that alleged overt act will produce riot as defined in *18 USCS § 2102(a)*; evidence tending to show that police measures caused crowd to riot would tend to exonerate defendants' speeches from such responsibility. *United States v Dellinger (1972, CA7 Ill) 472 F2d 340, 22 ALR Fed 159, cert den (1973) 410 US 970, 35 L Ed 2d 706, 93 S Ct 1443.*

10. Intent








Although, in order to convict under *18 USCS § 2101*, substantially same unlawful intent must be found to exist both at time of travel and at time of overt act, applicable rule of strictissimi juris does not require clear, direct, and sufficient proof of unlawful intent at each stage, wholly independent of proof at other stage. *United States v Dellinger (1972, CA7 Ill) 472 F2d 340, 22 ALR Fed 159, cert den (1973) 410 US 970, 35 L Ed 2d 706, 93 S Ct 1443.*




Copyright 2009 SHEPARD'S(R) - 143 Citing references

18 U.S.C. sec. 2101Restrictions: *Comprehensive Report Unrestricted*FOCUS(TM) Terms: *No FOCUS terms*Print Format: *FULL*

Citing Ref. Signal Legend:


-  {Warning} -- Negative treatment is indicated
-  {Warning} -- Negative case treatment is indicated for statute
-  {Questioned} -- Validity questioned by citing references
-  {Caution} -- Possible negative treatment
-  {Positive} -- Positive treatment is indicated
-  {Analysis} -- Citing Refs. With Analysis Available
-  {Cited} -- Citation information available


SHEPARD'S SUMMARY

Unrestricted <i>Shepard's Summary</i>		
Citing References:		
	Positive Analyses:	Constitutional (4)
	Neutral Analyses:	Concurring Opinion (1), Dissenting Op. (3)
	Other Sources:	Law Reviews (38), Secondary Sources (1), Statutes (16), Treatises (3), Court Documents (11)


HISTORY (Added Apr. 11, 1968, *P.L. 90-284*, Title I, § 104(a), *82 Stat. 75*; Aug. 22, 1986, *P.L. 99-386*, Title I, § 106, *100 Stat. 822*; Sept. 13, 1994, *P.L. 103-322*, Title XXXIII, § 330016(1)(L), *108 Stat. 2147*; Oct. 11, 1996, *P.L. 104-294*, Title VI, § 601(f)(15), *110 Stat. 3500*.)

CITING DECISIONS (74 citing decisions)**U.S. SUPREME COURT**


1. **Cited in Concurring Opinion at:**
Begay v. United States, 128 S. Ct. 1581, 170 L. Ed. 2d 490, 2008 U.S. LEXIS 3474, 76 U.S.L.W. 4228, 21 Fla. L. Weekly Fed. S 188 (U.S. 2008) 
128 S. Ct. 1581 *p.1591*
170 L. Ed. 2d 490 *p.504*

2. **Cited by:**
United States v. Watson, 423 U.S. 411, 96 S. Ct. 820, 46 L. Ed. 2d 598, 1976 U.S. LEXIS 121 (1976) 
423 U.S. 411 *p.441*
96 S. Ct. 820 *p.836*
46 L. Ed. 2d 598 *p.619*





3. **Cited by:**

Branzburg v. Hayes, 408 U.S. 665, 92 S. Ct. 2646, 33 L. Ed. 2d 626, 1972 U.S. LEXIS 132, 1 Media L. Rep. (BNA) 2617, 24 Rad. Reg. 2d (P & F) 2125 (1972) 
 408 U.S. 665 p.677
 92 S. Ct. 2646 p.2654
 33 L. Ed. 2d 626 p.637




1ST CIRCUIT - COURT OF APPEALS

4. **Cited by:**
Providence Washington Ins. Co. v. Lynn, 492 F.2d 979, 1974 U.S. App. LEXIS 9952 (1st Cir. R.I. 1974) 
 492 F.2d 979 p.980




2ND CIRCUIT - COURT OF APPEALS

5. **Cited by:**
United States v. Brennan, 183 F.3d 139, 1999 U.S. App. LEXIS 15042 (2d Cir. N.Y. 1999) 
 183 F.3d 139 p.147
6. **Cited by:**
United States v. Markiewicz, 978 F.2d 786, 1992 U.S. App. LEXIS 28918 (2d Cir. N.Y. 1992) 
 978 F.2d 786 p.795
 978 F.2d 786 p.802
 978 F.2d 786 p.813
7. **Cited by:**
United States v. Barnes, 604 F.2d 121, 1979 U.S. App. LEXIS 15208 (2d Cir. N.Y. 1979) 
 604 F.2d 121 p.138
8. **Cited by:**
Fullilove v. Kreps, 584 F.2d 600, 1978 U.S. App. LEXIS 8822, 25 Cont. Cas. Fed. (CCH) P82718, 18 Empl. Prac. Dec. (CCH) P8816 (2d Cir. N.Y. 1978) 
 584 F.2d 600 p.605



2ND CIRCUIT - U.S. DISTRICT COURTS

9. **Cited by:**
Baron v. Bausch & Lomb, Inc., 25 U.S.P.Q.2d (BNA) 1641 (W.D.N.Y. Feb. 25, 1992) 
 25 U.S.P.Q.2d (BNA) 1641 p.1660
10. **Cited by:**
Ferguson v. FBI, 762 F. Supp. 1082, 1991 U.S. Dist. LEXIS 5403 (S.D.N.Y. 1991) 
 762 F. Supp. 1082 p.1089
11. **Cited by:**
United States v. Markiewicz, 732 F. Supp. 316, 1990 U.S. Dist. LEXIS 2767, 17 Media L. Rep. (BNA) 1592 (N.D.N.Y. 1990) 


732 F. Supp. 316 p.317

12. **Cited by:**
United States v. Markiewicz, 1989 U.S. Dist. LEXIS 13722, 17 Media L. Rep. (BNA) 1592 (N.D.N.Y. Nov. 15, 1989) 
13. **Cited by:**
Alessi v. Thomas, 620 F. Supp. 589, 1985 U.S. Dist. LEXIS 14538 (S.D.N.Y. 1985) 
620 F. Supp. 589 p.593
14. **Cited by:**
In re Kinoy, 326 F. Supp. 400, 1970 U.S. Dist. LEXIS 9021 (S.D.N.Y. 1970) 
326 F. Supp. 400 p.400




3RD CIRCUIT - COURT OF APPEALS




15. **Cited by:**
Davin v. United States DOJ, 60 F.3d 1043, 1995 U.S. App. LEXIS 20404 (3d Cir. Pa. 1995) 
60 F.3d 1043 p.1057
16. **Cited by:**
United States v. Cerilli, 603 F.2d 415, 1979 U.S. App. LEXIS 13532 (3d Cir. Pa. 1979) 
603 F.2d 415 p.421

3RD CIRCUIT - U.S. DISTRICT COURTS




17. **Cited by:**
Paton v. La Prade, 471 F. Supp. 166, 1979 U.S. Dist. LEXIS 12673 (D.N.J. 1979) 
471 F. Supp. 166 p.174

5TH CIRCUIT - COURT OF APPEALS



18. **Cited by:**
Hernandez-Cordero v. United States INS, 819 F.2d 558, 1987 U.S. App. LEXIS 7828, 4 Immigr. Law & Proc. Rep. A2-295 (5th Cir. 1987) 
819 F.2d 558 p.571
19. **Cited by:**
United States v. Bryant, 563 F.2d 1227, 1977 U.S. App. LEXIS 5798 (5th Cir. Fla. 1977) 
563 F.2d 1227 p.1230
20. **Cited by:**
United States v. Briggs, 514 F.2d 794, 1975 U.S. App. LEXIS 14215, 28 A.L.R. Fed. 831 (5th Cir. Fla. 1975) 
514 F.2d 794 p.796

21. **Cited by:**
United States v. Camil, 497 F.2d 225, 1974 U.S. App. LEXIS 7599 (5th Cir. Fla. 1974) 
497 F.2d 225 p.226
22. **Cited by:**
Beverly v. United States, 468 F.2d 732, 1972 U.S. App. LEXIS 7425 (5th Cir. Fla. 1972) 
468 F.2d 732 p.737
23. **Cited by:**
Livingston v. Garmire, 437 F.2d 1050, 1971 U.S. App. LEXIS 12250 (5th Cir. Fla. 1971) 
437 F.2d 1050 p.1051


5TH CIRCUIT - U.S. DISTRICT COURTS

24. **Cited by:**
United States v. Williams, 2006 U.S. Dist. LEXIS 75822 (S.D. Tex. Oct. 3, 2006) 
2006 U.S. Dist. LEXIS 75822
25. **Cited by:**
Murley v. Smith, 322 F. Supp. 991, 1971 U.S. Dist. LEXIS 14698 (N.D. Tex. 1971) 
322 F. Supp. 991 p.996
26. **Cited by:**
Douglas v. Pitcher, 319 F. Supp. 706, 1970 U.S. Dist. LEXIS 9420 (E.D. La. 1970) 
319 F. Supp. 706 p.710
319 F. Supp. 706 p.713








6TH CIRCUIT - COURT OF APPEALS

27. **Cited in Dissenting Opinion at:**
United States v. Wood, 364 F.3d 704, 2004 U.S. App. LEXIS 7458, 2004 FED App. 111P (6th Cir.) (6th Cir. Mich. 2004) 
364 F.3d 704 p.723
28. **Cited by:**
United States v. Barry, 888 F.2d 1092, 1989 U.S. App. LEXIS 16334 (6th Cir. Ohio 1989) 
888 F.2d 1092 p.1095




6TH CIRCUIT - U.S. DISTRICT COURTS

29. **Cited by:**
Bergman v. United States, 551 F. Supp. 407, 1982 U.S. Dist. LEXIS 15879 (W.D. Mich. 1982) 
551 F. Supp. 407 p.417


7TH CIRCUIT - COURT OF APPEALS

30. **Cited by:**
United States v. Rodgers, 755 F.2d 533, 1985 U.S. App. LEXIS 29018, 17 Fed. R. Evid. Serv. (CBC) 579 (7th Cir. Ill. 1985) 
 755 F.2d 533 p.544
31. **Cited by:**
Alliance to End Repression v. Chicago, 742 F.2d 1007, 1984 U.S. App. LEXIS 19740 (7th Cir. Ill. 1984) 
 742 F.2d 1007 p.1014
32. **Cited by:**
United States v. Dellinger, 657 F.2d 140, 1981 U.S. App. LEXIS 18390 (7th Cir. Ill. 1981) 
 657 F.2d 140 p.141
33. **Cited by:**
In re Dellinger, 502 F.2d 813, 1974 U.S. App. LEXIS 6968 (7th Cir. Ill. 1974) 
 502 F.2d 813 p.815
34. **Constitutional by:**
United States v. Dellinger, 472 F.2d 340, 1972 U.S. App. LEXIS 6620, 22 A.L.R. Fed. 159 (7th Cir. Ill. 1972) 
 472 F.2d 340 p.340
35. **Cited by:**
United States v. Seale, 461 F.2d 345, 1972 U.S. App. LEXIS 9620 (7th Cir. Ill. 1972) 
 461 F.2d 345 p.349
36. **Cited by:**
National Mobilization Committee to End War in Viet Nam v. Foran, 411 F.2d 934, 1969 U.S. App. LEXIS 12229 (7th Cir. Ill. 1969) 
 411 F.2d 934 p.935



7TH CIRCUIT - U.S. DISTRICT COURTS

37. **Cited by:**
Struth v. FBI, 673 F. Supp. 949, 1987 U.S. Dist. LEXIS 10314 (E.D. Wis. 1987) 
 673 F. Supp. 949 p.960
38. **Cited by:**
In re Dellinger, 370 F. Supp. 1304, 1973 U.S. Dist. LEXIS 10760 (N.D. Ill. 1973) 
 370 F. Supp. 1304 p.1307
39. **Cited by:**
In re Dellinger, 357 F. Supp. 949, 1973 U.S. Dist. LEXIS 14169 (N.D. Ill. 1973) 








357 F. Supp. 949 p.950

40. **Constitutional by:**
National Mobilization Committee, etc. v. Foran, 297 F. Supp. 1, 1968 U.S. Dist. LEXIS 7935 (N.D. Ill. 1968) 
 297 F. Supp. 1 p.1

8TH CIRCUIT - COURT OF APPEALS


41. **Cited by:**
United States v. Wright, 128 F.3d 1274, 1997 U.S. App. LEXIS 32058 (8th Cir. Neb. 1997) 
 128 F.3d 1274 p.1275
42. **Cited by:**
Biebel Bros., Inc. v. United States Fidelity & Guaranty Co., 522 F.2d 1207, 1975 U.S. App. LEXIS 13392, 1975 Fire & Casualty Cas.(CCH) P999 (8th Cir. Mo. 1975) 
 522 F.2d 1207 p.1213

9TH CIRCUIT - COURT OF APPEALS

43. **Cited in Dissenting Opinion at:**
United States v. Kincade, 379 F.3d 813, 2004 U.S. App. LEXIS 17191 (9th Cir. Cal. 2004) 
 379 F.3d 813 p.846
44. **Cited by:**
United States v. Daniels, 1996 U.S. App. LEXIS 14803 (9th Cir. Cal. June 3, 1996) 
45. **Cited by:**
Wiener v. FBI, 943 F.2d 972, 1991 U.S. App. LEXIS 14655, 91 D.A.R. 8424 (9th Cir. Cal. 1991) 
 943 F.2d 972 p.985
46. **Cited by:**
United States v. Culbert, 548 F.2d 1355, 1977 U.S. App. LEXIS 14624 (9th Cir. Cal. 1977) 
47. **Cited by:**
Burgwin v. Mattson, 522 F.2d 1213, 1975 U.S. App. LEXIS 12923 (9th Cir. Or. 1975) 
48. **Cited by:**
United States v. Duncan, 456 F.2d 1401, 1972 U.S. App. LEXIS 10933 (9th Cir. Ariz. 1972) 
 456 F.2d 1401 p.1402
49. **Cited by:**
United States v. Marshall, 451 F.2d 372, 1971 U.S. App. LEXIS 7044 (9th Cir. Wash. 1971) 
50. **Cited by:**


United States v. Weinberg, 439 F.2d 743, 1971 U.S. App. LEXIS 12336 (9th Cir. Ariz. 1971) 
439 F.2d 743 p.744

51. **Cited by:**


Carter v. United States, 417 F.2d 384, 1969 U.S. App. LEXIS 10499 (9th Cir. Cal. 1969) 
417 F.2d 384 p.385

9TH CIRCUIT - U.S. DISTRICT COURTS

52. **Cited by:**

Pearson v. Brace, 2007 U.S. Dist. LEXIS 75230 (E.D. Cal. Oct. 9, 2007) 
2007 U.S. Dist. LEXIS 75230


53. **Cited by:**

Rosenfeld v. United States Dep't of Justice, 761 F. Supp. 1440, 1991 U.S. Dist. LEXIS 4743, 91 D.A.R. 4435 (N.D. Cal. 1991) 
761 F. Supp. 1440 p.1445

54. **Cited by:**


In re Shead, 302 F. Supp. 569, 1969 U.S. Dist. LEXIS 9870 (N.D. Cal. 1969) 
302 F. Supp. 569 p.569

55. **Constitutional by:**

In re Shead, 302 F. Supp. 560, 1969 U.S. Dist. LEXIS 13434 (N.D. Cal. 1969) 
302 F. Supp. 560 p.560
302 F. Supp. 560 p.561

11TH CIRCUIT - COURT OF APPEALS

56. **Cited in Dissenting Opinion at, Cited by:**

United States v. Ballinger, 395 F.3d 1218, 2005 U.S. App. LEXIS 343, 18 Fla. L. Weekly Fed. C 146 (11th Cir. Ga. 2005) 


Cited in Dissenting Opinion at:

395 F.3d 1218 p.1254

Cited by:


395 F.3d 1218 p.1229

57. **Cited by:**


United States v. Ballinger, 312 F.3d 1264, 2002 U.S. App. LEXIS 23916, 16 Fla. L. Weekly Fed. C 76 (11th Cir. Ga. 2002) 
312 F.3d 1264 p.1273

11TH CIRCUIT - U.S. DISTRICT COURTS


58. **Cited by:**

United States v. Myers, 591 F. Supp. 2d 1312, 2008 U.S. Dist. LEXIS 99384, 21 Fla. L. Weekly Fed. D 473 (S.D. Fla. 2008) 
591 F. Supp. 2d 1312 p.1323


59. **Cited by:**

Friedman v. FBI, 605 F. Supp. 306, 1984 U.S. Dist. LEXIS 22959 (N.D. Ga. 1984) 
605 F. Supp. 306 p.320


60. **Cited by:**

Foss v. Gerstein, 58 F.R.D. 627, 1973 U.S. Dist. LEXIS 14704, 17 Fed. R. Serv. 2d (Callaghan) 723 (S.D. Fla. 1973) 
58 F.R.D. 627 p.627


D.C. CIRCUIT - COURT OF APPEALS61. **Cited by:**

Zweibon v. Mitchell, 516 F.2d 594, 170 U.S. App. D.C. 1, 1975 U.S. App. LEXIS 14083 (1975) 
516 F.2d 594 p.688
170 U.S. App. D.C. 1 p.95


62. **Cited by:**

In re Evans, 452 F.2d 1239, 146 U.S. App. D.C. 310, 1971 U.S. App. LEXIS 8777 (1971) 
452 F.2d 1239 p.1251
146 U.S. App. D.C. 310 p.322


63. **Cited by:**

Dellinger v. Mitchell, 442 F.2d 782, 143 U.S. App. D.C. 60, 1971 U.S. App. LEXIS 11848 (1971) 


D.C. CIRCUIT - U.S. DISTRICT COURT64. **Cited by:**

Republic of New Afrika v. FBI, 656 F. Supp. 7, 1985 U.S. Dist. LEXIS 17392 (D.D.C. 1985) 
656 F. Supp. 7 p.11


65. **Constitutional by:**

United States v. Hoffman, 334 F. Supp. 504, 1971 U.S. Dist. LEXIS 10652 (D.D.C. 1971) 
334 F. Supp. 504 p.505

FLORIDA SUPREME COURT66. **Cited by:**

State v. Beasley, 317 So. 2d 750, 1975 Fla. LEXIS 3355 (Fla. 1975) 
317 So. 2d 750 p.752


67. **Cited by:**

Hutchin v. State, 290 So. 2d 35, 1974 Fla. LEXIS 4393 (Fla. 1974) 

290 So. 2d 35 p.36


MASSACHUSETTS SUPREME JUDICIAL COURT

68. **Cited by:**

Commonwealth v. Harrison, 368 Mass. 366, 331 N.E.2d 873, 1975 Mass. LEXIS 1006 (1975) 
368 Mass. 366 p.373
331 N.E.2d 873 p.877


MICHIGAN SUPREME COURT

69. **Cited by:**

People v. Tyburski, 445 Mich. 606, 518 N.W.2d 441, 1994 Mich. LEXIS 1563 (1994) 
445 Mich. 606 p.639
518 N.W.2d 441 p.456


NEW JERSEY SUPREME COURT

70. **Cited by:**

State v. Young, 57 N.J. 240, 271 A.2d 569, 1970 N.J. LEXIS 210 (1970) 
57 N.J. 240 p.256
271 A.2d 569 p.577


NEW JERSEY SUPERIOR COURT, LAW DIVISION

71. **Cited by:**

State v. Jahr, 114 N.J. Super. 181, 275 A.2d 461, 1971 N.J. Super. LEXIS 605 (Law Div. 1971) 
114 N.J. Super. 181 p.195
275 A.2d 461 p.468

OKLAHOMA SUPREME COURT

72. **Cited by:**

State ex rel. Oklahoma Bar Asso. v. Coleman, 1986 OK 10, 723 P.2d 266, 1986 Okla. LEXIS 116 (Okla. 1986) 

PUERTO RICO COURT OF APPEALS

73. **Cited by:**

Puerto Rico v. Rivera Schatz, 2003 P.R. App. Ct. Dec. No. 60 (P.R. Ct. App. 2003)
2003 P.R. App. Ct. Dec. No. 60

74. **Cited by:**

EL PUEBLO DE PUERTO RICO, Recurrido vs. THOMAS RIVERA SCHATZ, Petionario, 2003 PR App. LEXIS 148 (P.R. Ct. App. Mar. 5, 2003)

ANNOTATED STATUTES (16 Citing Statutes)

SHEPARD'S® - 18 U.S.C. sec. 2101 - 143 Citing References

- 75. *18 U.S.C. sec. 2102*
- 76. *18 U.S.C. sec. 2516*
- 77. *28 U.S.C. sec. 2284*
- 78. *Cal Const, Art. I @ 3*
- 79. *Mass. Ann. Laws ch. 264 sec. 11*
- 80. *Mass. Ann. Laws ch. 269 sec. 1*
- 81. *NY CLS Penal Article 240 Note*
- 82. *N.Y. Penal Law sec. 240.00*
- 83. *N.Y. Penal Law sec. 240.05*
- 84. *N.Y. Penal Law sec. 240.06*
- 85. *N.Y. Penal Law sec. 240.08*
- 86. *N.Y. Penal Law sec. 240.10*
- 87. *Oh. Const. Art. I, @ 3*
- 88. *Ohio Rev. Code Ann. sec. 2917.01*
- 89. *Ohio Rev. Code Ann. sec. 2917.02*
- 90. *Ohio Rev. Code Ann. sec. 2917.03*

LAW REVIEWS AND PERIODICALS (38 Citing References)

- 91. *ARTICLE: NEO-FEDERALISM, POPULAR SOVEREIGNTY, AND THE CRIMINAL LAW*, 29 Akron L. Rev. 549 (1996)
- 92. *Federal Criminal Code Reform: Hidden Costs, Illusory Benefits*, 2 Buff. Crim. L. R. 161 (1998)
- 93. 61 Cal. L. Rev. 1137
61 Cal. L. Rev. 1137 p.1156
- 94. *COVER STORY: INTERNET SEXUAL ENTRAPMENT: THE USES & MISUSES OF (B)*, 26 Champion 12 (2002)
- 95. 60 Cornell L. Rev. 569
60 Cornell L. Rev. 569 p.569
- 96. *MODEL STATUTE: www.commercial< **IC=109**>terrorism.com: A Proposed Federal Criminal Statute Addressing the Solicitation of Commerical Terrorism Through the Internet*, 37 Harv. J. On Legis. 159 (2000)
- 97. 89 Harv. L. Rev. 469

- 89 Harv. L. Rev. 469 p.523
98. *COMMENT: KIDNAPPING FEDERALISM: UNITED STATES v. WILLS AND THE CONSTITUTIONALITY OF EXTENDING FEDERAL CRIMINAL LAW INTO THE STATES*, 93 J. Crim. L. & Criminology 753 (2003)
 99. *ARTICLE: Criminal Law: Criminal Liability, Public Policy, and the Principle of Legality in the Republic of South Africa*, 73 J. Crim. L. & Criminology 1061 (1982)
 100. *Religion, Politics, Race, and Ethnicity: The Range and Limits of Voir Dire*, 92 Ky. L.J. 601 (2004)
 101. *THE MARYLAND SURVEY: 2005-2006: Recent Decision: THE COURT OF APPEALS OF MARYLAND: SCHLAMP v. STATE: READING THE RIOT ACT: THE VAGARIES OF MARYLAND'S COMMON LAW RIOT REQUIRE CODIFICATION OF THE CRIME*, 66 Md. L. Rev. 1013 (2007)
 102. *ARTICLE: Congressional Power to Expand Judicial Definitions of the Substantive Terms of the Civil War Amendments **, 67 Minn. L. Rev. 299 (1982)
67 Minn. L. Rev. 299 p.335
 103. *STUDENT ARTICLE: A COERCION DEFENSE FOR THE STREET GANG CRIMINAL: PLUGGING THE MORAL GAP IN EXISTING LAW*, 10 ND J. L. Ethics & Pub Pol'y 137 (1996)
 104. *LEGAL THEORY: POLITICAL RIGHTS AND FREEDOMS IN THE CONTEXT OF AMERICAN CONSTITUTIONALISM: A VIEW OF A CONCERNED SOVIET SCHOLAR.*, 85 Nw. U.L. Rev. 257 (1990)
 105. *SYMPOSIUM: ROADS NOT TAKEN: UNDERCURRENTS OF REPUBLICAN THINKING IN MODERN CONSTITUTIONAL THEORY: LEGAL THEORY: POLITICAL RIGHTS AND FREEDOMS IN THE CONTEXT OF AMERICAN CONSTITUTIONALISM: A VIEW OF A CONCERNED SOVIET SCHOLAR*, 84 Nw. U.L. Rev. 257 (1989)
84 Nw. U.L. Rev. 257 p.272
 106. *ARTICLE: Fixing Up Fair Housing Laws: Are We Ready for Reform?*, 53 S.C. L. Rev. 7 (2001)
 107. *ARTICLE: THE F-WORD: A JURISPRUDENTIAL TAXONOMY OF AMERICAN MORALS (IN A NUTSHELL)*, 40 Santa Clara L. Rev. 65 (1999)
 108. *ARTICLE: WHY A DIVISION OF CRIMINAL JUSTICE?*, 25 Seton Hall Legis. J. 107 (2001)
 109. *ARTICLE: REVOLUTIONARY OR ABERRATIONAL?: THE STATUS OF THE SUPREME COURT'S RECENT FEDERALISM CASES IN THE EIGHTH CIRCUIT*, 44 St. Louis U. L.J. 529 (2000)
 110. *ARTICLE: Blyew: Variations on a Jurisdictional Theme.*, 41 Stan. L. Rev. 469 (1989)
41 Stan. L. Rev. 469 p.524
 111. *ARTICLE: The Motion in Limine in Politically Sensitive Cases: Silencing the Defendant at Trial.*, 39 Stan. L. Rev. 1271 (1987)
39 Stan. L. Rev. 1271 p.1322
 112. 33 Stan. L. Rev. 201
33 Stan. L. Rev. 201 p.220

113. 27 Stan. L. Rev. 73
27 Stan. L. Rev. 73 p.76
114. *ARTICLE: The Supreme Court's Recent "National Security" Decisions: Which Interests are Being Protected?*, 40 Tenn. L. Rev. 1 (1972)
115. *ARTICLE: UNITED STATES V. LOPEZ: JUDICIAL REVIEW UNDER THE COMMERCE CLAUSE*, 74 Tex. L. Rev. 719 (1996)
74 Tex. L. Rev. 719 p.769, (edition 1994)
74 Tex. L. Rev. 719 p.770, (edition 1994)
116. 52 Tex. L. Rev. 829
52 Tex. L. Rev. 829 p.834
117. *NOTE: Commerce Clause--National Police Power Justified by Economic Impact of Organized Crime*, 46 Tul. L. Rev. 829 (1972)
118. *LAW AND CHARACTER: THE CHICAGO CONSPIRACY TRIAL: CHARACTER AND JUDICIAL DISCRETION*, 71 U. Colo. L. Rev. 1327 (2000)
119. *COMMENT: When Reporters Break Their Promises to Sources: Towards a Workable Standard in Confidential Source/Breach of Contract Cases*, 47 U. Miami L. Rev. 501 (1992)
120. 121 U. Pa. L. Rev. 189
121 U. Pa. L. Rev. 189 p.190
121. *ESSAY ON THE TRIALS OF THE CENTURY: "The Substance of the Crime was a State of Mind"--How a Mainstream, Middle Class Jury Came to War with Itself*, 68 UMKC L. Rev. 637 (2000)
122. *ADDRESS: THOMAS E. FAIRCHILD: A JUDGE'S LEGACY*, 2007 Wis. L. Rev. 1 (2007)
123. *ARTICLE: A JUDGE'S USE OF HISTORY -- THOMAS E. FAIRCHILD INAUGURAL LECTURE.*, 1989 Wis. L. Rev. 223 (1989)
1989 Wis. L. Rev. 223 p.227
124. *ARTICLE: RECALIBRATING THE COST OF HARM ADVOCACY: GETTING BEYOND BRANDENBURG*, 41 Wm. & Mary L. Rev. 1159 (2000)
125. *RUTGERS SCHOOL OF LAW - NEWARK CENTENNIAL ESSAY: SEIZING THE MOMENTS: THE BEGINNINGS OF THE WOMEN'S RIGHTS LAW REPORTER AND A PERSONAL JOURNEY*, 30 Women's Rights L. Rep. 592 (2009)
126. *ARTICLE: Policing Speech on the Airwaves: Granting Rights, Preventing Wrongs*, 15 Yale L. & Pol'y Rev. 447 (1997)
127. *COMMENT: A Blueprint for Applying the Rules Enabling Act's Supersession Clause*, 117 Yale L.J. 1225 (2008)

128. *ARTICLE: Archetypal Trials and the Management of Dissent: Some Insights from Marketing Theory*, 4 Theoretical Inq. L. 763 (2003)

TREATISE CITATIONS (3 Citing Sources)

129. *5f-143f Appleman on Insurance Supp. to @ 3111*
130. *9-172 Banking Law @ 172.04*
131. *2-T Pros & Def of Criminal Conspiracy Cases*

SECONDARY SOURCES (1 Citing Source)

132. *73 A.B.A.J. No. 7 32, 73 A.B.A.J. No. 7 32*
73 A.B.A.J. No. 7 32 p.33

BRIEFS (11 Citing Briefs)

133. *CHAMBERS v. U.S.A*, 2006 U.S. Briefs 11206, 2008 U.S. S. Ct. Briefs LEXIS 834 (U.S. Sept. 29, 2008)
134. *GONZALES v. PLANNED PARENTHOOD FEDN. OF AMERICA, INC.*, 2005 U.S. Briefs 1382, 2006 U.S. S. Ct. Briefs LEXIS 618 (U.S. Aug. 3, 2006)
135. *GONZALES v. CARHART*, 2005 U.S. Briefs 380, 2006 U.S. S. Ct. Briefs LEXIS 445 (U.S. May 22, 2006)
136. *GONZALES v. OREGON*, 2004 U.S. Briefs 623, 2005 U.S. S. Ct. Briefs LEXIS 564 (U.S. Aug. 25, 2005)
137. *SOLID WASTE AGENCY OF NORTHERN COOK COUNTY v. UNITED STATES ARMY CORPS OF ENG'RS*, 1999 U.S. Briefs 1178, 2000 U.S. S. Ct. Briefs LEXIS 517 (U.S. Sept. 20, 2000)
138. *NOW v. JOSEPH M. SCHEIDLER*, 1992 U.S. Briefs 780, 1993 U.S. S. Ct. Briefs LEXIS 459 (U.S. Sept. 29, 1993)
139. *FULLILOVE v. KREPS*, 1978 U.S. Briefs 1007, 1979 U.S. S. Ct. Briefs LEXIS 1008 (U.S. Oct. 9, 1979)
140. *FULLILOVE v. KREPS*, 1978 U.S. Briefs 1007, 1979 U.S. S. Ct. Briefs LEXIS 1167 (U.S. June 27, 1979)
141. *FULLILOVE v. KREPS*, 1978 U.S. Briefs 1007, 1978 U.S. S. Ct. Briefs LEXIS 76 (U.S. Dec. 21, 1978)
142. *ZIEPER v. METZINGER*, 2005 U.S. 2nd Cir. Briefs 604257, 2006 U.S. 2nd Cir. Briefs LEXIS 823 (2d Cir. Apr. 21, 2006)
143. *ZIEPER v. METZINGER*, 2005 U.S. 2nd Cir. Briefs 604257, 2006 U.S. 2nd Cir. Briefs LEXIS 789 (2d Cir. Jan. 30, 2006)