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Distinguished by *U.S. v. Nunez-Orozco*, 9th Cir.(Wash.), August 20, 1993

87 S.Ct. 574

Supreme Court of the United States

UNITED STATES, Appellant,

v.

Lee Levi LAUB et al.

No. 176.

|

Argued Nov. 16, 1966.

|

Decided Jan. 10, 1967.

Synopsis

Prosecution for conspiracy to recruit and arrange for the travel to Cuba of 58 American citizens whose passports, although otherwise valid, were not specifically validated for travel to that country. The United States District Court for the Eastern District of New York, 253 F.Supp. 433, granted defendants' motion to dismiss the indictment, and a direct appeal was taken. The Supreme Court, Mr. Justice Fortas, held that indictment charging conspiracy to violate statute making it unlawful for any citizen of the United States to depart from or enter the United States unless he bears a valid passport did not allege a crime where the alleged conspiracy consisted of recruiting and arranging travel to Cuba of 58 American citizens whose passports, although otherwise valid, were not specifically validated for travel to Cuba, which was a geographically restricted area.

Affirmed.

West Headnotes (10)

[1] **Aliens, Immigration, and Citizenship** Constitutional and statutory provisions

24 Aliens, Immigration, and Citizenship
 24X Offenses, Penalties and Prosecutions
 24k770 Constitutional and statutory provisions
 (Formerly 77k10.2 Citizens)

Statute making it unlawful for any citizen of United States to depart from or enter the United

States unless he bears a valid passport is a criminal statute, and must therefore be narrowly construed. Immigration and Nationality Act, § 215(b), 8 U.S.C.A. § 1185(b).

5 Cases that cite this headnote

[2] **Aliens, Immigration, and Citizenship** Unlawful entry or presence

24 Aliens, Immigration, and Citizenship
 24X Offenses, Penalties and Prosecutions
 24k771 Unlawful entry or presence
 (Formerly 77k10.2 Citizens)

Statute making it unlawful for any citizen of the United States to depart from or enter the United States unless he bears a valid passport could not be construed as requiring the traveler to bear a passport endorsed as valid for travel to the country for which he departs or from which he returns or as thus encompassing departures for and return from geographically restricted areas. Immigration and Nationality Act, § 215(b), 8 U.S.C.A. § 1185(b).

[3] **Aliens, Immigration, and Citizenship** Passports and Travel Documents

24 Aliens, Immigration, and Citizenship
 24VIII Citizenship and Naturalization
 24VIII(A) Citizenship
 24k674 Passports and Travel Documents
 24k675 In general
 (Formerly 77k10.2, 77k11 Citizens)

A "passport" is a document identifying a citizen, in effect requesting foreign powers to allow the bearer to enter and to pass freely and safely, recognizing the right of the bearer to the protection and good offices of American diplomatic and consular officers.

3 Cases that cite this headnote

[4] **Constitutional Law** Travel and movement

92 Constitutional Law
 92XXVII Due Process
 92XXVII(G) Particular Issues and Applications
 92XXVII(G)1 In General
 92k4036 Travel and movement

(Formerly 92k274(6), 92k274(2), 92k274)

The right to travel is a part of the liberty of which a citizen cannot be deprived without due process of law.

[6 Cases that cite this headnote](#)

[5] **Aliens, Immigration, and Citizenship**  **Unlawful entry or presence**


24 Aliens, Immigration, and Citizenship
24X Offenses, Penalties and Prosecutions
24k771 Unlawful entry or presence

(Formerly 77k10.2 Citizens)

Although departure from this country for Cuba or entry to the country from Cuba without a passport would be a violation of statute making it unlawful for any citizen of the United States to depart from or enter the United States unless he bears a valid passport, mere travel to Cuba with a passport not specifically validated for Cuba is not a violation of such statute even though it is a violation of an area restriction promulgated by a public notice and a press release. Immigration and Nationality Act, § 215(b), [8 U.S.C.A. § 1185\(b\)](#).

[5 Cases that cite this headnote](#)

[6] **Aliens, Immigration, and Citizenship**  **Passports and Travel Documents**

Aliens, Immigration, and Citizenship  **Offenses, Penalties and Prosecutions**

24 Aliens, Immigration, and Citizenship
24VIII Citizenship and Naturalization
24VIII(A) Citizenship
24k674 Passports and Travel Documents
24k675 In general

(Formerly 77k10.2 Citizens)

24 Aliens, Immigration, and Citizenship
24X Offenses, Penalties and Prosecutions
24k769 In general

(Formerly 77k10.2 Citizens)

The Passport Act of 1926, and an Executive Order adopted thereunder merely authorized the Secretary of State to impose area restrictions incidental to his general powers with respect to passports, but they do not purport to make travel

to a designated area unlawful. [22 U.S.C.A. § 211a](#).

[5 Cases that cite this headnote](#)

[7] **Aliens, Immigration, and Citizenship**  **Indictment and information**

24 Aliens, Immigration, and Citizenship
24X Offenses, Penalties and Prosecutions
24k792 Prosecutions
24k794 Indictment and information

(Formerly 77k10.2 Citizens)

Indictment charging conspiracy to violate statute making it unlawful for any citizen of the United States to depart from or enter the United States unless he bears a valid passport did not allege a crime where the alleged conspiracy consisted of recruiting and arranging travel to Cuba of 58 American citizens whose passports, although otherwise valid, were not specifically validated for travel to that country which was a geographically restricted area. Immigration and Nationality Act, § 215(b), [8 U.S.C.A. § 1185\(b\)](#).

[8 Cases that cite this headnote](#)

[8] **Aliens, Immigration, and Citizenship**  **Unlawful entry or presence**

24 Aliens, Immigration, and Citizenship
24X Offenses, Penalties and Prosecutions
24k771 Unlawful entry or presence

(Formerly 77k10.2 Citizens)

An area travel restriction, requiring special validation of passports for travel to Cuba, although a valid civil regulation under the Passport Act of 1926, was not, and was not intended or represented to be, an exercise of authority under act making it unlawful for any citizen of the United States to depart from or enter the United States unless he bears a valid passport. Immigration and Nationality Act, § 215(b), [8 U.S.C.A. § 1185\(b\)](#); [22 U.S.C.A. § 211a](#).

[2 Cases that cite this headnote](#)

[9] **Criminal Law**  **Creation and Definition of Offenses**

110 Criminal Law

110I Nature and Elements of Crime
 110k12 Statutory Provisions
 110k13 Creation and Definition of Offenses
 110k13(1) In general
 (Formerly 110k13)

Crimes are not to be created by inference, and they may not be constructed nunc pro tunc.

[3 Cases that cite this headnote](#)

[10] Criminal Law 🔑 **Official Action, Inaction, Representation, Misconduct, or Bad Faith**

110 Criminal Law
 110II Defenses in General
 110k36.5 Official Action, Inaction, Representation, Misconduct, or Bad Faith
 110k36.6 In general
 (Formerly 110k36.5, 110k31)

Ordinarily, citizens may not be punished for actions undertaken in good faith reliance upon authoritative assurance that punishment will not attach.

[22 Cases that cite this headnote](#)

Attorneys and Law Firms

****575 *476** Nathan Lewin, Washington, D.C., for appellant.

Leonard B. Boudin, Washington, D.C., for appellees.

Opinion

****576** Mr. Justice FORTAS delivered the opinion of the Court.

Appellees were indicted under [18 U.S.C. s 371](#) for conspiring to violate s 215(b) of the Immigration and Nationality Act of 1952, 66 Stat. 190, ***477** [8 U.S.C. s 1185\(b\)](#). The alleged conspiracy consisted of recruiting and arranging the travel to Cuba of 58 American citizens whose passports, although otherwise valid, were not specifically validated for travel to that country.¹

¹ In response to a motion for a bill of particulars, the Government alleged that the individuals concerned possessed ‘unexpired and unrevoked United States passports which *** had not been specifically validated by the Secretary of State for travel to Cuba.’

The District Court granted appellees' motion to dismiss the indictment. Chief Judge Zavatt filed an exhaustive opinion ([253 F.Supp. 433 \(D.C.E.D.N.Y.\)](#)). Notice of direct appeal to this Court was filed and we noted probable jurisdiction under [18 U.S.C. s 3731](#) because the dismissal was ‘based upon the *** construction of the statute upon which the indictment *** is founded.’ We affirm. Our decision rests entirely upon our construction of the relevant statutes and regulations.

Two statutes are relevant to this case. The first is the Passport Act of 1926, 44 Stat. 887, [22 U.S.C. s 211a](#). This is the general statute authorizing the Secretary of State to ‘grant and issue passports.’ It is not a criminal statute. The second statute is s 215(b) of the Immigration and Nationality Act of 1952, *supra*, under which the present indictments were brought. Section 215(b) was enacted on June 27, 1952. It is a re-enactment of the Act of May 22, 1918 (40 Stat. 559), and the Act of June 21, 1941 (55 Stat. 252). It provides that:

‘When the United States is at war or during the existence of any national emergency proclaimed by the President *** and (when) the President shall find that the interests of the United States require that restrictions and prohibitions *** (b) *** be imposed upon the departure of persons from and their entry into the United States, and shall make public proclamation thereof, it shall *** be unlawful for any citizen of the United States to depart from or ***478** enter, or attempt to depart from or enter, the United States unless he bears a valid passport.’ (Italics added.)

Wilful violation is subjected to a fine of not more than \$5,000 or imprisonment for five years, or both.

On January 17, 1953, President Truman made the finding and proclamation required by s 215(b).² As a consequence, a valid passport has been required for departure and entry of United States nationals from and into the United States and its territories, except as to areas specifically exempted by regulations. The proclamation adopted the regulations which the Secretary of State had promulgated under the predecessors of s 215(b) exempting from the passport requirement departure to or entry from ‘any country or territory in North, Central, or South America (including Cuba).’ [22 CFR s 53.3\(b\)](#) (1958 rev.). On January 3, 1961, the United States broke diplomatic relations with Cuba. On January 16, 1961, the Deputy Under Secretary of State for Administration issued the ‘Excluding Cuba’ amendment ([22 CFR s 53.3 \(1965 rev.\)](#), [26 Fed.Reg. 482](#)). That amendment added the two words ‘excluding Cuba’ to the phrase quoted above. Cuba was thereby included in the general requirement

of a passport for departure from and entry into the United States.

² 29 Proclamation No. 3004, 67 Stat. C31, 3 CFR 180 (1949—1953 Comp.). The current ‘National Emergency’ was proclaimed by President Truman on Dec. 16, 1950. Proclamation No. 2914, 64 Stat. A454, 3 CFR 99 (1949—1953 Comp.).

On the same day, the Department of State also issued Public Notice 179, which **577** stated that ‘Hereafter United States passports shall not be valid for travel to or in Cuba unless specifically endorsed for such travel under the authority of the Secretary of **479 State. * * *** 26 Fed.Reg. 492. It simultaneously issued a press release announcing that: ‘* * * in view of the U.S. Government’s inability, following the break in diplomatic relations between the United States and Cuba, to extend normal protective services to Americans visiting Cuba, U.S. citizens desiring to go to Cuba must until further notice obtain passports specifically endorsed by the Department of State for such travel. All outstanding passports * * * are being declared invalid for travel to Cuba unless specifically endorsed for such travel. * * * These actions have been taken in conformity with the Department’s normal practice of limiting travel to those countries with which the United States does not maintain diplomatic relations.’³ (Italics added.)

³ State Department Press Release No. 24, Jan. 16, 1961, 44 Dept. State Bull. 178. The full text is in the Appendix to this opinion.

In *Zemel v. Rusk*, 381 U.S. 1, 85 S.Ct. 1271, 14 L.Ed.2d 179 (1965), the petitioner sought a declaratory judgment that the Secretary of State does not have statutory authorization to impose area restrictions on travel; that if the statute were construed to authorize the Secretary to do so, it would be an impermissible delegation of power; and that, in any event, the exercise of the power to restrict travel denied to petitioner his rights under the First and Fifth Amendments. This Court rejected petitioner’s claims and sustained the Secretary’s statutory power to refuse to validate passports for travel to Cuba. It found authority for area restrictions in the general passport authority vested in the Secretary of State by the 1926 Act, relying upon the successive ‘imposition of area restrictions during both times of war and periods of peace’ before and after the enactment of the Act of 1926. **480** 381 U.S., at 8—9, 85 S.Ct., at 1276—1277. The Court specifically declined the Solicitor General’s invitation to rule also that ‘travel in violation of an area restriction imposed on

an otherwise valid passport is unlawful under the 1952 Act.’ *Id.*, at 12, 85 S.Ct. at 1278.⁴

⁴ But cf. *United States v. Healy*, 376 U.S. 75, 83, n. 7, 84 S.Ct. 553, 558, 11 L.Ed.2d 527 (1964).

[1] We now confront that question. Section 215(b) is a criminal statute. It must therefore be narrowly construed. *United States v. Wiltberger*, 5 Wheat. 76, 95—96, 105, 5 L.Ed. 37 (1820) (Marshall, C.J.). Appellees urge that s 215(b) must be read as a ‘border control’ statute, requiring only that a citizen may not ‘depart from or enter’ the United States without ‘a valid passport.’ On this basis, they argue, appellees did not conspire to violate the statute since all of those who went to Cuba departed and re-entered the United States bearing valid passports. Only if, as the Government urges, s 215(b) can be given a broader meaning so as to encompass specific destination control—only if it is read as requiring the traveler to bear ‘a passport endorsed as valid for travel to the country for which he departs or from which he returns’—would appellees be guilty of any violation.

[2] We begin with the fact, conceded by the Government, that ‘Section 215(b) does not, in so many words, prohibit violations of area restrictions; it speaks, as the district court noted in the Laub case * * * in the language of ‘border control statutes regulating departure from and entry into the United States.’” Brief for the United States, p. 11. Nevertheless, the Government requests us to sustain this criminal prosecution and reverse the District Court on the ground that somehow, ‘the text is broad enough **578** to encompass departures for geographically restricted areas * * *.’ *Ibid.* We conclude, however, that in this criminal proceeding the statute cannot be applied in this fashion. Even if ingenuity were able to find concealed in the text a basis for this **481** criminal prosecution, factors which we must take into account, drawn from the history of the statute, would preclude such a reading.

[3] Preliminarily, it is essential to recall the nature and function of the passport. A passport is a document identifying a citizen, in effect requesting foreign powers to allow the bearer to enter and to pass freely and safely, recognizing the right of the bearer to the protection and good offices of American diplomatic and consular officers. See *Urtetiqui v. D’Arcy*, 9 Pet. 692, 699, 9 L.Ed. 276 (1835); *Kent v. Dulles*, 357 U.S. 116, 120—121, 78 S.Ct. 1113, 1115—1116, 2 L.Ed.2d 1204 (1958); 3 Hackworth, *Digest of International Law* 435 (1942). 8 U.S.C. s 1101(a)(30).

[4] As this Court has observed, ‘The right to travel is a part of the ‘liberty’ of which the citizen cannot be deprived without due process of law * * *.’ *Kent v. Dulles*, *supra*, 357 U.S., at 125, 78 S.Ct., at 1118. See *Aptheker v. Secretary of State*, 378 U.S. 500, 517, 84 S.Ct. 1659, 1669, 12 L.Ed.2d 992 (1964); *Zemel v. Rusk*, 381 U.S. 1, 85 S.Ct. 1271, 14 L.Ed.2d 179 (1965).

[5] Under s 215(b) and its predecessor statutes, Congress authorized the requirement that a citizen possess a passport for departure from and entry into the United States,⁵ and there is no doubt that with the adoption and promulgation of the ‘Excluding Cuba’ regulation, a passport was required for departure from this country for Cuba and for entry into this country from Cuba. Departure for Cuba or entry from Cuba without a passport would be a violation of s 215(b), exposing the traveler to the criminal penalties provided in that section. But it does not follow that travel to Cuba with a passport which is not specifically validated for that country is a criminal offense. Violation of the ‘area restriction’—‘invalidating’ passports for travel in or to *482 Cuba and requiring specific validation of passports if they are to be valid for travel to or in Cuba—is quite a different matter from violation of the requirement of s 215(b) and the regulations thereunder that a citizen bear a ‘valid passport’ for departure from or entry into the United States.

⁵ It is the exception rather than the rule in our history to require that citizens engaged in foreign travel should have a passport. *Kent v. Dulles*, 357 U.S. 116, 121—123, 78 S.Ct. 1113, 1115—1117, 12 L.Ed.2d 1204 (1958); Jaffe, *The Right To Travel: The Passport Problem*, 35 *Foreign Affairs* 17 (1956).

[6] The area restriction applicable to Cuba was promulgated by a ‘Public Notice’ and a press release, *supra*, pp. 576—577, neither of which referred to s 215(b) or to criminal sanctions. On the contrary, the only reference to the statutory base of the announcement appears in the ‘Public Notice,’ and this is a reference to the nonpenal 1926 Act and the Executive Order adopted thereunder in 1938.⁶ These merely authorize the Secretary of State to impose area restrictions incidental to his general powers with respect to passports. *Zemel v. Rusk*, *supra*. They do not purport to make travel to the designated area unlawful.

⁶ The ‘Public Notice’ recites that ‘pursuant to the authority vested in me by Sections 124 and 126 of *Executive Order No. 7856*, issued on March 31, 1938 (3 F.R. 681, 687, 22 CFR 51.75 and 51.77) under authority of * * * the Act

of * * * July 3, 1926 * * * all United States passports are hereby declared to be invalid for travel to or in Cuba * * *.’ Department of State, Public Notice No. 179, Jan. 16, 1961, 26 Fed.Reg. 492.

The press release issued by the Department of State at the time expressly explained the action as being ‘in view of **579 the U.S. Government’s inability * * * to extend normal protective services to Americans visiting Cuba.’ It explained that the action was taken in conformity with the Department’s ‘normal practice’ of limiting travel to countries with which we do not have diplomatic relations.⁷ That ‘normal practice,’ as will be discussed, has not included criminal sanctions. In short, the relevant State Department promulgations are not *483 only devoid of a suggestion that travel to Cuba without a specially validated passport is prohibited, or that such travel would be criminal conduct, but they also contain positive suggestions that the purpose and effect of the restriction were merely to make clear that the passport was not to be regarded by the traveler in Cuba as a voucher on the protective services normally afforded by the State Department.

⁷ State Department Press *Release No. 24*, Jan. 16, 1961, 44 Dept. State Bull. 178. The full text is in the Appendix to this opinion.

This was in keeping with the unbroken tenor of State Department pronouncements on area restrictions. Prior to enactment of s 215(b) on June 27, 1952, area travel restrictions were proclaimed on five occasions while the 1918 and 1941 Acts were in effect (1918—1921 and 1941—1953).⁸ These were the predecessors of s 215(b), and they similarly specified criminal sanctions.⁹ But in each of the five instances, the area restrictions were devoid of any suggestion that they were related to the 1918 or 1941 Acts or were intended to invoke criminal penalties if they were disregarded. They were cast exclusively in civil terms, relating to the State Department’s ‘safe passage’ functions.¹⁰ In two of these instances, the Department of State specifically emphasized the civil, *484 nonprohibitory nature of the restrictions.¹¹ For example, in 1952 the State Department issued area restrictions with respect to Eastern European countries, China, and the Soviet Union. The Department’s press release emphasized that the ‘invalidation’ of passports for travel to those areas ‘in no way forbids American travel to those areas.’¹²

⁸ The 1918 Act was in effect by Presidential proclamation only between August 8, 1918, and March 3, 1921. (40 Stat. 1829 and 41 Stat. 1359.) The 1941 Act was

in effect by successive Presidential proclamations and congressional extensions from November 14, 1941 (55 Stat. 1696), to April 1, 1953 (66 Stat. 57, 96, 137, 333), by which date s 215(b) was already in effect by Presidential Proclamation No. 3004, Jan. 17, 1953, 67 Stat. C31, 3 CFR 180 (1949—1953 Comp.).

9 See, p. 576, *supra*.

10 1. Restriction in 1919 as to Germany (3 Hackworth, Digest of International Law 530 (1942)). 2. Restriction in 1950 as to Bulgaria and Hungary (22 Dept. State Bull. 399). 3. Restriction in 1951 as to Czechoslovakia (24 Dept. State Bull. 932). 4. Restriction in 1951 as to Hungary (26 Dept. State Bull. 7). 5. Restriction in 1952 as to East European countries, China, and the Soviet Union (26 Dept. State Bull. 736).

11 These were the 1919 Germany restriction and the 1952 East Europe, Soviet Union, and China restriction. See n. 10, *supra*. The texts of the Department's announcements of these restrictions are in the Appendix to this opinion.

12 See the Appendix to this opinion.

Since enactment of s 215(b), the State Department has announced area travel restrictions upon three occasions in addition to Cuba.¹³ Again, although s 215(b) was fully operative, none of these declarations purported to be issued under that section or referred to criminal sanctions. ****580** Each of them, like the Cuba regulation, sounded in terms of withdrawal of the safe-passage services of the State Department.¹⁴

13 ,1. Restriction in 1955 as to Albania, Bulgaria, China, North Korea, and North Viet Nam (33 Dept. State Bull. 777). 2. Restriction in 1956 as to Hungary (34 Dept. State Bull. 248). 3. Restriction in 1956 as to [Egypt, Israel, Jordan, and Syria](#) (35 Dept. State Bull. 756, 21 Fed.Reg. 8577).

14 In the 1956 area restriction relating to Egypt, Israel, Jordan, and Syria, *supra*, n. 13, as well as the Cuba restriction, the Department expressly recited the 1926 Act as its basis. It did not mention s 215(b). [21 Fed.Reg. 8577](#).

In 1957, the Senate Foreign Relations Committee asked the Department: 'What does it mean when a passport is stamped 'not valid to go to country X'?' After three months the Department sent its official reply. It stated that this stamping of a passport 'means that if the bearer enters country X he cannot be assured of the protection of the United States.

* * * (but it) does not necessarily mean that if the bearer travels to country X he will be ***485** violating the criminal law.¹⁵ (Italics added.) Similarly, in hearings before another Senate Committee, a Department official explained that when a passport is marked 'invalid' for travel to stated countries, this means that 'this Government is not sponsoring the entry of the individual into those countries and does not give him permission to go in there under the protection of this Government.'¹⁶

15 Hearings before the Senate Committee on Foreign Relations, on Department of State Passport Policies, 85th Cong., 1st Sess. (1957), p. 59.

16 Hearings before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary, on the Right To Travel, 85th Cong., 1st Sess., part 2 (1957), p. 86; see also *id.*, at 62.

Although Department records show that approximately 600 persons have violated area travel restrictions since the enactment of s 215(b),¹⁷ the present prosecutions are the only attempts to convict persons for alleged area transgressions.¹⁸

17 The Government conceded this to the court below. See also the Department's testimony to the same effect in Hearings before the Subcommittee To Investigate the Administration of the Internal Security Act and Other Internal Security Laws, Senate Committee on the Judiciary, on S. 3243, 89th Cong., 2d Sess. (1966), p. 43. The Chief of the Security Branch of the Legal Division of the State Department testified to the court below that he was unaware of any prosecution for violation of area restrictions under the predecessors of s 215(b).

18 See also [Travis v. United States](#), 385 U.S. 491, 87 S.Ct. 583, 17 L.Ed.2d 536; [Worthy v. United States](#), 328 F.2d 386 (C.A.5th Cir., 1964).

Until these indictments, in fact, the State Department had consistently taken the position that there was no statute which imposed or authorized such prohibition. In the 1957 hearings, referred to above, the Acting Director of the Bureau of Security and Consular Affairs, Department of State, testified that he knew of no statute providing a penalty for going to a country covered by an area restriction without a passport (as distinguished from ***486** departing or entering the United States).¹⁹ The Government, as well as others, has repeatedly called to the attention of the Congress the need for consideration of legislation specifically making it a criminal offense for any citizen to travel to a country as to which

an area restriction is in effect,²⁰ but no such legislation was enacted.²¹

¹⁹ Hearings, n. 16, *supra*, at 91—95.

²⁰ See, e.g., President Eisenhower's request for legislation, H.R.Doc. No. 417, 85th Cong., 2d Sess. (1958). The Administration's bill was S. 4110, H.R. 13318. In 1957, the Commission on Government Security, specifically established by Congress to study travel and passport legislation among other things (Public Law 304, 84th Cong., 1st Sess., 69 Stat. 595 (1955)), recommended that 'Title 8, U.S.C.A., section 1185(b), should be amended to make it unlawful for any citizen of the United States to travel to any country in which his passport is declared to be invalid.' Report (S.Doc. 64, 84th Cong.), at 475. The next year, the Special Committee To Study Passport Procedures of the Association of the Bar of the City of New York published a report entitled 'Freedom To Travel.' One of the authors of this Report was the Honorable Adrian S. Fisher, former Legal Advisor to the Department of State. This Report concluded, at 70, as to criminal enforcement of area restrictions:

'The Committee has not discovered any statute which clearly provides a penalty for violation of area restrictions, and this seems to be a glaring omission if the United States is seriously interested in the establishment and enforcement of travel controls. Knowing violation of valid restrictions should certainly be subject to an effective sanction, which is not now the case.'

²¹ The most recent bill, introduced by the Department after two years of study, was H.R. 14895, 89th Cong., 2d Sess. (1966). See Hearings before the Subcommittee To Investigate the Administration of the Internal Security Act and Other Internal Security Laws, Senate Committee on the Judiciary, on S. 3243, 89th Cong., 2d Sess. (1966), p. 73. Some of the other bills which failed in Congress are discussed in the opinion of the court below.

****581** [7] [8] In view of this overwhelming evidence that s 215(b) does not authorize area restrictions, we agree with the District Court that the indictment herein does not allege a crime. If there is a gap in the law, the right and the duty, if any, to fill it do not devolve upon the courts. ***487** The area travel restriction, requiring special validation of passports for travel to Cuba, was a valid civil regulation under the 1926 Act. *Zemel v. Rusk*, *supra*. But it was not and was not intended or represented to be an exercise of authority under s 215(b), which provides the basis of the criminal charge in this case.

[9] [10] Crimes are not to be created by inference. They may not be constructed *nunc pro tunc*. Ordinarily, citizens

may not be punished for actions undertaken in good faith reliance upon authoritative assurance that punishment will not attach. As this Court said in *Raley v. State of Ohio*, 360 U.S. 423, 438, 79 S.Ct. 1257, 1266, 3 L.Ed.2d 1344, we may not convict 'a citizen for exercising a privilege which the State clearly had told him was available to him.' As *Raley* emphasized, criminal sanctions are not supportable if they are to be imposed under 'vague and undefined' commands (citing *Lanzetta v. State of New Jersey*, 306 U.S. 451, 59 S.Ct. 618, 83 L.Ed. 888 (1939)); or if they are 'inexplicably contradictory' (citing *United States v. Cardiff*, 344 U.S. 174, 73 S.Ct. 189, 97 L.Ed. 200 (1952)); and certainly not if the Government's conduct constitutes 'active misleading' (citing *Johnson v. United States*, 318 U.S. 189, 197, 63 S.Ct. 549, 553, 87 L.Ed. 704 (1943)).

In view of our decision that appellees were charged with conspiracy to violate a nonexistent criminal prohibition, we need not consider other issues which the case presents.

Accordingly, the judgment of the District Court is affirmed.

Affirmed.

APPENDIX TO OPINION OF THE COURT.

The following three Department of State statements in connection with area restrictions are referred to in the foregoing opinion:

(1) State Department Press [Release No. 24](#), Jan. 16, 1961, 44 Dept. State Bull. 178:

'The Department of State announced on January 16 that in view of the U.S. Government's ***488** inability, following the break in diplomatic relations between the United States and Cuba, to extend normal protective services to Americans visiting Cuba, U.S. citizens desiring to go to Cuba must until further notice obtain passports specifically endorsed by the Department of State for such travel. All outstanding passports, except those of U.S. citizens remaining in Cuba, are being declared invalid for travel to Cuba unless specifically endorsed for such travel.

'The Department contemplates that exceptions to these regulations will be ****582** granted to persons whose travel may be regarded as being in the best interests of the United States, such as newsmen or businessmen with previously established business interest.

‘Permanent resident aliens cannot travel to Cuba unless special permission is obtained for this purpose through the U.S. Immigration and Naturalization Service.

‘Federal regulations are being amended to put these requirements into effect.

‘These actions have been taken in conformity with the Department’s normal practice of limiting travel to those countries with which the United States does not maintain diplomatic relations.’

(2) State Department Press [Release No. 341](#), May 1, 1952, 26 Dept. State Bull. 736:

‘The Department of State announced on May 1 that it was taking additional steps to warn American citizens of the risks of travel in Iron Curtain countries by stamping all passports not valid for travel in those countries unless specifically endorsed by the Department of State for such travel.

‘In making this announcement, the Department emphasized that this procedure in no way forbids *489 American travel to those areas. It contemplates that Americans citizens will consult the Department or the consulates abroad to ascertain the dangers of traveling in countries where acceptable standards of protection do not prevail and that, if no objection is perceived, the travel may be authorized.

‘All new passports will be stamped as follows:
THIS PASSPORT IS NOT VALID FOR TRAVEL TO ALBANIA, BULGARIA, CHINA, CZECHOSLOVAKIA, HUNGARY, POLAND, RUMANIA OR THE UNION OF SOVIET SOCIALIST REPUBLICS UNLESS SPECIFICALLY ENDORSED UNDER AUTHORITY OF

THE DEPARTMENT OF STATE AS BEING VALID FOR SUCH TRAVEL.

‘All outstanding passports, which are equally subject to the restriction, will be so endorsed as occasion permits.’

‘Freedom to Travel,’ a 1958 Report of the Special Committee To Study Passport Procedures of the Association of the Bar of the City of New York, characterized this as ‘an honest admission of the lack of statutory power to enforce an area restriction of this nature.’ At 70. The Department gave a practical construction of this area restriction in 1954 when it informed two newsmen desiring to travel to Bulgaria that they could go there without a passport and ‘use, as a travel document * * * an affidavit in lieu of a passport,’ and that, if Bulgaria would permit them entry, ‘the Department * * * (would hold) no objection.’ Hearings on Department of State Passport Policies before the Senate Committee on Foreign Relations, 85th Cong., 1st Sess. (1957), p. 65.

(3) 3 Hackworth, Digest of International Law 530 (1942) (1919 Germany restriction):

‘The Department is not now issuing or authorizing issuance or amendment of passports for Germany. *490 However, the Department interposes no objection to the entry into Germany of Americans who have important and urgent business to transact there. In view of the present situation, such persons should understand that they go upon their own responsibility and at their own risk. They cannot be guaranteed the same protection which they might expect under normal conditions.’












All Citations

385 U.S. 475, 87 S.Ct. 574, 17 L.Ed.2d 526

Negative Treatment

Negative Citing References (6)

The KeyCited document has been negatively referenced by the following events or decisions in other litigation or proceedings:

Treatment	Title	Date	Type	Depth	Headnote(s)
Distinguished by	 1. Berrigan v. Sigler 499 F.2d 514 , D.C.Cir. Two parolees filed complaint seeking judicial review of the administrative action of members of the United States Board of Parole denying permission to the parolees to travel to...	May 01, 1974	Case		6 S.Ct.
Distinguished by	2. Department of Public Safety v. Freeman Ready-Mix Co. 295 So.2d 242 , Ala. Two cases, wherein it was sought to restrain Department of Public Safety from enforcement of statute limiting gross weight of trucks traveling on public highways, were consolidated...	May 02, 1974	Case		—
Distinguished by	3. U.S. v. Mann  517 F.2d 259 , 5th Cir.(Tex.) The United States instituted a prosecution against the chairman of the board of directors and chief executive, officer of a national bank, and against another national bank,...	Aug. 07, 1975	Case		7 10 S.Ct.
Distinguished by	 4. U.S. v. Thomas  593 F.2d 615 , 5th Cir.(Tex.) Farming corporation and individual who owned majority of stock of corporation's parent, were convicted before the United States District Court for the Northern District of Texas,...	Apr. 19, 1979	Case		6 10 S.Ct.
Distinguished by	5. U.S. v. Nunez-Orozco MOST NEGATIVE 5 F.3d 543 , 9th Cir.(Wash.) E.D.Wash. AFFIRMED.	Aug. 20, 1993	Case		10 S.Ct.
Distinguished by	6. United States v. Hopkins  2010 WL 11619176 , D.N.M. THIS MATTER is before the Court on the following motions: Government's Motions in Limine [Doc 42 & Doc 143]; Defendants' Motion In Limine [Doc 43]; Defendant Sharon Hopkins's...	Sep. 22, 2010	Case		10 S.Ct.

History (3)

Direct History (3)

1. [U.S. v. Laub](#)
253 F.Supp. 433 , E.D.N.Y. , Apr. 15, 1966

Probable Jurisdiction Noted by

2. [U.S. v. Laub](#)
384 U.S. 984 , U.S.N.Y. , June 13, 1966















AND Judgment Affirmed by

3. [U.S. v. Laub](#)
385 U.S. 475 , U.S.N.Y. , Jan. 10, 1967

Citing References (149)

Treatment	Title	Date	Type	Depth	Headnote(s)
Distinguished by NEGATIVE	1. U.S. v. Thomas ¶ 593 F.2d 615, 621+ , 5th Cir.(Tex.) Farming corporation and individual who owned majority of stock of corporation's parent, were convicted before the United States District Court for the Northern District of Texas,...	Apr. 19, 1979	Case		6 10 S.Ct.
Distinguished by NEGATIVE	2. U.S. v. Mann ¶ 517 F.2d 259, 270+ , 5th Cir.(Tex.) The United States instituted a prosecution against the chairman of the board of directors and chief executive, officer of a national bank, and against another national bank,...	Aug. 07, 1975	Case		7 10 S.Ct.
Discussed by	3. U.S. v. Levin ¶ 973 F.2d 463, 467+ , 6th Cir.(Ky.) Government appealed from decision of the United States District Court for the Eastern District of Kentucky, William O. Bertelsman, Chief Judge, dismissing with prejudice all but 15...	Aug. 07, 1992	Case		6 10 S.Ct.
Discussed by	4. U.S. v. Frade ¶ 709 F.2d 1387, 1392+ , 11th Cir.(Fla.) Defendants appealed from conviction in the United States District Court from the Southern District of Florida, Edward B. Davis, J., for violation of Trading with the Enemy Act and...	July 18, 1983	Case		8 S.Ct.
Discussed by	5. Lynd v. Rusk 389 F.2d 940, 941+ , D.C.Cir. Suits for injunction against revocation by Secretary of State of passports and for declaratory relief. The United States District Court for the District of Columbia, Edward M....	Dec. 20, 1967	Case		6 S.Ct.
Discussed by	6. U.S. v. Plitt Southern Theatres, Inc. ¶ 1987 WL 19346, *5+ , W.D.N.C. This Matter is before the court upon the Defendants' Motions to Dismiss the Indictment. Their primary grounds for dismissal are (1) that their prosecution in this case violates...	July 10, 1987	Case		5 7 S.Ct.
Discussed by	7. U.S. v. Elliott ¶ 266 F.Supp. 318, 323+ , S.D.N.Y. Prosecution for conspiring in United States to destroy railroad bridge in Republic of Zambia so that defendants might profit from ensuing copper shortage, wherein defendants moved...	Mar. 10, 1967	Case		7 10 S.Ct.
Distinguished by NEGATIVE	8. United States v. Hopkins ¶ 2010 WL 11619176, *2+ , D.N.M. THIS MATTER is before the Court on the following motions: Government's Motions in Limine [Doc 42 & Doc 143]; Defendants' Motion In Limine [Doc 43]; Defendant Sharon Hopkins's...	Sep. 22, 2010	Case		10 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Distinguished by NEGATIVE	9. U.S. v. Nunez-Orozco 5 F.3d 543, 543 , 9th Cir.(Wash.) E.D.Wash. AFFIRMED.	Aug. 20, 1993	Case		10 S.Ct.
Distinguished by NEGATIVE	10. Berrigan v. Sigler 499 F.2d 514, 519+ , D.C.Cir. Two parolees filed complaint seeking judicial review of the administrative action of members of the United States Board of Parole denying permission to the parolees to travel to...	May 01, 1974	Case		6 S.Ct.
Cited by	11. Regan v. Wald 104 S.Ct. 3026, 3038 , U.S.Mass. See 469 U.S. 912, 105 S.Ct. 285. A Treasury Department regulation, first promulgated in 1963 as part of the Cuban Assets Control Regulations implemented under the Trading with the...	June 28, 1984	Case		7 S.Ct.
Cited by	12. U.S. v. Enmons 93 S.Ct. 1007, 1015 , U.S.La. The United States District Court for the Eastern District of Louisiana, 335 F.Supp. 641, dismissed indictment under the Hobbs Act, which makes it a federal crime to obstruct...	Feb. 22, 1973	Case		—
Cited by	13. Travis v. U.S. 87 S.Ct. 583, 583+ , U.S.Cal. Defendant was convicted before the United States District Court for the Southern District of California, Central Division, E. Avery Crary, J., 241 F.Supp. 472, of departure from...	Jan. 10, 1967	Case		5 7 8 S.Ct.
Cited by	14. Wald v. Regan 708 F.2d 794, 797+ , 1st Cir.(Mass.) Plaintiffs brought an action challenging a Treasury Department regulation which prohibited persons who would desire to travel to Cuba from paying for "transportation-related"...	May 16, 1983	Case		6 7 S.Ct.
Cited by	15. In re Air Disaster at Lockerbie Scotland on Dec. 21, 1988 37 F.3d 804, 845 , 2nd Cir.(N.Y.) Survivors of passengers killed as result of bombing of aircraft brought action against airline. The United States District Court for the Eastern District of New York, Thomas C....	Sep. 12, 1994	Case		10 S.Ct.
Cited by	16. In re Air Crash Disaster at Lockerbie Scotland on December 21, 1988 --- F.3d ---- , 2nd Cir.(N.Y.) Pan American World Airways, Inc. (Pan Am) and Alert Management Systems, Inc. (Alert) (collectively Pan Am, defendants or appellants) appeal from final judgments entered on...	Jan. 31, 1994	Case		10 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 17. U.S. v. Lichenstein 610 F.2d 1272, 1280 , 5th Cir.(Ga.) Defendants were convicted before the United States District Court for the Southern District of Georgia, at Savannah, Anthony A. Alaimo, Chief Judge, of conspiring to knowingly and...	Feb. 01, 1980	Case		—
Cited by	18. U.S. v. Clark  546 F.2d 1130, 1135 , 5th Cir.(Tex.) Following trial in the United States District Court for the Northern District of Texas, at Lubbock, Halbert O. Woodward, J., jury found defendant guilty on 37 counts of making or...	Feb. 09, 1977	Case		10 S.Ct.
Cited by	19. U.S. v. Arambula-Alvarado 677 F.2d 51, 52 , 9th Cir.(Cal.) Defendant was convicted before the United States District Court for the Southern District of California, Judith Nelson Keep, J., of illegal entry and reentering the country after...	May 13, 1982	Case		1 S.Ct.
Cited by	 20. U.S. v. Patterson 664 F.2d 1346, 1348 , 9th Cir.(Cal.) Defendant was convicted in the United States District Court for the Northern District of California, Robert H. Schnacke, J., of possession of material stolen from mail, and...	Jan. 04, 1982	Case		1 S.Ct.
Cited by	21. Brown v. Secretary, U.S. Department of Health and Human Services  4 F.4th 1220, 1220 , 11th Cir.(Ga.) GOVERNMENT — Injunction. Landlords were not entitled to preliminary injunction against enforcement of moratorium on eviction of tenants for nonpayment of rent, under CARES Act.	July 14, 2021	Case		10 S.Ct.
Cited by	 22. U.S. v. Dominguez  661 F.3d 1051, 1100 , 11th Cir.(Fla.) CRIMINAL JUSTICE - Immigration. Evidence was sufficient to warrant enhancement of defendant's sentence for alien smuggling.	Oct. 31, 2011	Case		10 S.Ct.
Cited by	23. U.S. v. Ucciferri 960 F.2d 953, 954 , 11th Cir.(Fla.) Defendant moved to dismiss indictment arguing that investigation leading to his arrest was entirely state operated. The United States District Court for the Middle District of...	May 18, 1992	Case		7 S.Ct.
Cited by	 24. U.S. v. Barker 514 F.2d 208, 268 , D.C.Cir. Defendants filed motions to withdraw their guilty pleas to seven counts of indictment charging offenses arising out of break-in of political party headquarters. The United States...	Feb. 25, 1975	Case		10 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	25. Wicker v. Goodwin ¶ 813 F.Supp. 676, 684 , E.D.Ark. Arkansas state troopers brought civil rights action, challenging discipline taken against them for violating state statute prohibiting their participation in political activity. ...	Dec. 14, 1992	Case		10 S.Ct.
Cited by	26. Reaves v. U.S. 523 F.Supp. 1355, 1358 , E.D.Ark. Defendant, who pled guilty to two counts of unlawful possession of stolen checks, filed petition seeking postconviction relief. The District Court, Arnold, Circuit Judge, sitting...	Oct. 16, 1981	Case		10 S.Ct.
Cited by	27. U.S. v. Skuban 175 F.Supp.2d 1253, 1255 , D.Nev. CRIMINAL JUSTICE - Weapons. Assault of parent did not qualify as predicate offense under weapons possession statute.	Nov. 14, 2001	Case		1 S.Ct.
Cited by	28. U.S. v. Zheng 590 F.Supp. 274, 281 , D.N.J. Defendants were charged on one-count indictment of conspiracy to violate Arms Export Control Act and regulations promulgated thereto. Defendants moved to dismiss indictment. ...	July 26, 1984	Case		—
Cited by	29. NYC C.L.A.S.H., Inc. v. City of New York ¶ 315 F.Supp.2d 461, 480 , S.D.N.Y. ENVIRONMENTAL LAW - Clean Air. Bans on smoking in bars and food service establishments were constitutional.	Apr. 21, 2004	Case		4 S.Ct.
Cited by	30. U.S. v. Shulman ¶ 466 F.Supp. 293, 297 , S.D.N.Y. Defendant, charged with bribery of a public official and conspiracy, moved to dismiss the indictment. The District Court, Brieant, J., held: (1) that the conspiracy count failed...	Feb. 23, 1979	Case		9 S.Ct.
Cited by	31. U. S. v. Weisscredit Banca Commerciale E D'Investimenti 325 F.Supp. 1384, 1396+ , S.D.N.Y. Motion by defendant broker-dealer to, inter alia, dismiss indictment on ground that it failed to allege an offense by defendant. The District Court, Wyatt, J., held that amendment...	Apr. 15, 1971	Case		10 S.Ct.
Cited by	32. U.S. v. Birrell 266 F.Supp. 539, 545 , S.D.N.Y. Defendant charged with violation of the Securities Act filed a motion to dismiss certain counts or, alternatively, to compel the government to elect one count out of 16. The...	Apr. 03, 1967	Case		1 9 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 33. U.S. v. Neufeld 908 F.Supp. 491, 498 , S.D.Ohio Physician accused of bribing Medicaid provider for referrals moved to dismiss indictment, alleging violations of medicaid antikickback statute and alleging mail fraud. The...	Nov. 27, 1995	Case		10 S.Ct.
Cited by	34. U.S. v. Cinemette Corp. of America 687 F.Supp. 976, 982 , W.D.Pa. Defendants in criminal prosecution under Sherman Act, arising out of alleged conspiracy to eliminate competition in operation of motion picture theaters in particular area, moved...	Apr. 06, 1988	Case		10 S.Ct.
Cited by	35. Wooten v. Roach  431 F.Supp.3d 875, 898+ , E.D.Tex. CIVIL RIGHTS — Due Process. Allegations of protected property interest in continued employment and maintaining professional license stated claim for due process violations.	Dec. 23, 2019	Case		4 S.Ct.
Cited by	 36. De Nieva v. Reyes 1989 WL 158912, *6+ , D.N.Mar.I. Plaintiff YOLANDA U. DE NIEVA filed a Complaint alleging that rights guaranteed to her by the Fifth and Fourteenth Amendments to the United States Constitution, and by Article I,...	Oct. 19, 1989	Case		4 S.Ct.
Cited by	 37. Williams v. Reiner 2 Cal.Rptr.2d 472, 488 , Cal.App. 2 Dist. Taxpayers brought action claiming enforcement of amended statute criminalizing parents' failure to exercise reasonable control and supervision over their children to prevent...	Dec. 19, 1991	Case		1 S.Ct.
Cited by	 38. People v. Adams  192 N.W.2d 19, 33 , Mich.App. Defendant was convicted before the Circuit Court, Jackson County, Charles J. Falahee, J., of kidnapping, and he appealed. The Court of Appeals, Levin, J., held that inspector,...	June 24, 1971	Case		9 S.Ct.
Cited by	39. State v. McKown  461 N.W.2d 720, 724 , Minn.App. State appealed from order of the District Court, Hennepin County, Eugene J. Farrell, J., dismissing second-degree manslaughter indictment against parent and stepparent of minor who...	Oct. 16, 1990	Case		10 S.Ct.
Cited by	40. State v. Barr  721 S.E.2d 395, 404 , N.C.App. CRIMINAL JUSTICE - Entrapment. Licensed title clerk was not a "government official" for purposes of entrapment by estoppel or governmental authority defense.	Feb. 07, 2012	Case		10 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	41. State v. Mitchell 349 A.2d 862, 863 , N.H. Defendant appealed from his conviction in Gorham District Court of operating an automobile without valid driver's license. The Superior Court affirmed. The Trial Court, Bois, J.,...	Dec. 31, 1975	Case		—
Cited by	42. State v. Fogarty ¶ 607 A.2d 624, 634 , N.J. Defendant was convicted of DWI before the Municipal Court and on trial de novo before the Superior Court, Law Division, Passaic County. Defendant appealed. The Superior Court,...	June 08, 1992	Case		10 S.Ct.
Cited by	43. Com. v. Kratsas ¶ 764 A.2d 20, 32+ , Pa. CRIMINAL JUSTICE - Government Misconduct. Due process reliance doctrine did not bar prosecution for distribution of video poker and slot machines.	Jan. 08, 2001	Case		10 S.Ct.
Cited by	44. Messier v. Messier ¶ 389 S.W.3d 904, 913 , Tex.App.-Hous. (14 Dist.) FAMILY LAW - Child Support. Father's pleadings sufficiently supported issuance of injunction prohibiting mother from removing children from the state or the United States.	Dec. 28, 2012	Case		3 5 S.Ct.
Cited by	45. Hubbard v. State 770 S.W.2d 31, 41 , Tex.App.-Dallas Defendant was convicted in the 265th District Court, Dallas County, John Ovard, J., of two counts of delivering controlled substance and one count of bribery, and he appealed. ...	Mar. 31, 1989	Case		10 S.Ct.
Cited by	46. Thompson v. Commonwealth ¶ 2019 WL 1522985, *6 , Va.App. At the conclusion of a bench trial, the Circuit Court of the City of Richmond convicted the appellant of four counts of forgery of a public record in violation of Code § 18.2-168....	Apr. 09, 2019	Case		3 5 S.Ct.
Cited by	47. Miller v. Commonwealth ¶ 492 S.E.2d 482, 487 , Va.App. CRIMINAL JUSTICE - Ignorance or Mistake. Due process defense applies where defendant has reasonably relied upon affirmative assurances that certain conduct is lawful given by...	Nov. 04, 1997	Case		—
Cited by	48. Effect of Agency Interpretation of Regulations-Confidentiality of Alcohol and Drug Abuse Patient Records 1 U.S. Op. Off. Legal Counsel 280, 281+ Your letter states that your Office has provided the Civil Service Commission with authoritative advice on the applicability and effect of certain provisions of your Department's...	Dec. 14, 1977	Administrative Decision		10 S.Ct.

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Cited by	49. To: Mr. W. R. Geddings, Jr. 1982 S.C. Op. Atty. Gen. 39 The provisions of § 12–17–230 are not so definite and certain as to impose criminal liabilities relating to gift tax by means of adoption of the enforcement provisions of Chapter...	May 19, 1982	Administrative Decision		—
Distinguished by NEGATIVE	50. Department of Public Safety v. Freeman Ready-Mix Co. 295 So.2d 242, 248 , Ala. Two cases, wherein it was sought to restrain Department of Public Safety from enforcement of statute limiting gross weight of trucks traveling on public highways, were consolidated...	May 02, 1974	Case		—
Mentioned by	51. U.S. v. Weiss 491 F.2d 460, 465 , 2nd Cir.(N.Y.) Corporation, which represented manufacturers in sale of goods to army and air force post exchanges in Far East, its wholly owned subsidiary and its president were convicted before...	Jan. 15, 1974	Case		3 S.Ct.
Mentioned by	52. Hernandez v. Cremer 913 F.2d 230, 236 , 5th Cir.(Tex.) United States citizen denied entry at Mexican border brought suit against Immigration and Naturalization Service (INS) and its employees. The United States District Court for the...	Oct. 02, 1990	Case		4 S.Ct.
Mentioned by	53. U.S. v. Shaheen 445 F.2d 6, 10 , 7th Cir.(Ill.) Taxpayer appealed from an order of the United States District Court for the Northern District of Illinois, Eastern Division, Julius J. Hoffman, J., denying his motion to quash a...	June 12, 1971	Case		4 S.Ct.
Mentioned by	54. U.S. v. Palzer 745 F.2d 1350, 1356 , 11th Cir.(Fla.) Defendant was convicted in the United States District Court for the Southern District of Florida, Donald J. Porter, J., sitting by designation, 731 F.2d 1484, of making a material...	Nov. 05, 1984	Case		—
Mentioned by	55. Jeannette Rankin Brigade v. Chief of the Capitol Police 421 F.2d 1090, 1101 , D.C.Cir. Action by ad hoc committee and certain members of the committee against Chief of the Capitol Police for declaration that statute prohibiting parades or assemblages on the Capitol...	June 20, 1969	Case		5 S.Ct.
Mentioned by	56. U.S. v. Lipper 1981 WL 1762, *7 , N.D.Cal. An application for a Writ Ne Exeat Republica duly came on for hearing before the Court 10:00 A.M. Monday, March 23, 1981. The United States was represented by G. William Hunter,...	Mar. 25, 1981	Case		4 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	57. U.S. v. Key Line Freight, Inc. 481 F.Supp. 91, 100 , W.D.Mich. Interstate carrier was charged with giving rebates to shippers in violation of applicable statute. The District Court, Fox, Chief Judge, held that: (1) information was sufficient;...	Mar. 10, 1977	Case		—
Mentioned by	58. U.S. v. Key Line Freight, Inc. 404 F.Supp. 888, 894 , W.D.Mich. Defendant carrier was charged with giving rebates to shippers in an information alleging that the carrier furnished an employee of a particular shipper with an expense-paid trip to...	Oct. 08, 1975	Case		7 S.Ct.
Mentioned by	59. In re Michael S. 2012 WL 3091576, *6 , Cal.App. 2 Dist. Michael S. appeals from an order of the juvenile court in which he was found to be a ward of the court as described in Welfare and Institutions Code section 602. Following the...	July 31, 2012	Case		—
Mentioned by	60. State v. Barney 448 P.2d 195, 199 , Idaho Action by state charging defendant with failure to identify himself as distributor of campaign material. The Second Judicial District Court, Nez Perce County, Paul W. Hyatt, J.,...	Dec. 06, 1968	Case		—
—	61. Foreign Agents Registration Act of 1938, As Amended (22 U.S.C.A. ss 611 et seq.) 44 A.L.R. Fed. 3d Art. 6 As a reaction to significant amounts of Nazi propaganda widely distributed in the United States prior to World War II, Congress enacted the Foreign Agents Registration Act, 22...	2019	ALR	—	—
—	62. Construction and Application of 18 U.S.C.A. s1542 Prohibiting False Statement in Application for and Use of Passport 76 A.L.R. Fed. 2d 197 The offenses of making a false statement in a passport application and use of a falsely obtained passport, set forth in 18 U.S.C.A. § 1542, are aimed at the protection of the...	2013	ALR	—	—
—	63. Criminal law: "official statement" mistake of law defense 89 A.L.R.4th 1026 This annotation collects and analyzes the cases in which the courts have discussed or explicitly decided the existence or applicability of a mistake of law (as distinguished from...	1991	ALR	—	2 5 6 7 8 S.Ct.
—	64. Criminal Law Defenses s 62, § 62. Mistake or ignorance negating an offense element A number of mistake defenses are available to a defendant, including: ignorance due to an unavailable law, discussed in § 182, mistake due to reliance upon an official misstatement...	2021	Other Secondary Source	—	10 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
—	65. Criminal Law Defenses s 183, § 183. Reliance upon official misstatement of law Many American jurisdictions recognize a defense for mistakes due to reliance upon official misstatement of law. The principle of the defense may be stated as follows: Reliance Upon...	2021	Other Secondary Source	—	10 S.Ct.
—	66. Federal Banking Law Reporter 282053, UNITED STATES OF AMERICA V. WEISSCREDIT BANCA COMMERCIALE E D'INVESTIMENTI, ROLANDO ZOPPI AND ANDRE BACKAR, DEFENDANTS. Federal Banking Law Reporter 325 F. Supp. 1384 UNITED STATES of America v. WEISSCREDIT BANCA COMMERCIALE E D'INVESTIMENTI, Rolando Zoppi and Andre Backar, Defendants. UNITED STATES v. WEISSCREDIT BANCA...	1971	Other Secondary Source	—	10 S.Ct.
—	67. Federal Tax Collections, Liens and Levies 13B.06, NATURE OF UNITED STATES PASSPORTS-IN GENERAL The legal aspects of a United States passport are infrequently considered, especially by tax lawyers and accountants. Certainly, many citizens have a passport, though perhaps...	2021	Other Secondary Source	—	8 S.Ct.
—	68. Firearms Law Deskbook s 9:3, § 9:3. Due process and entrapment by estoppel There are several instances in which the government has announced that certain conduct is lawful, and thereafter instigated prosecutions alleging that the conduct is unlawful. A...	2020	Other Secondary Source	—	10 S.Ct.
—	69. Immigration Law Service 2d s 2:35, § 2:35. Generally A person seeking admission who claims U.S. citizenship must establish such citizenship to the satisfaction of the examining CBP officer. The person must present a U.S. passport if...	2021	Other Secondary Source	—	1 7 S.Ct.
—	70. 9 Minnesota Practice Series s 47:29, § 47:29. Reliance on official actions or statements; government estoppel Minnesota Practice Series It is a defense to a criminal charge that the defendant "acted in reliance on official actions or pronouncements." The rationale is that a person ought not be punished by a...	2020	Other Secondary Source	—	10 S.Ct.
—	71. Restatement (Third) of Foreign Relations s 721, § 721. Applicability of Constitutional Safeguards The provisions of the United States Constitution safeguarding individual rights generally control the United States government in the conduct of its foreign relations as well as in...	2021	Other Secondary Source	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	72. Witkin, California Summary 10th Constitutional Law s 448, International Travel. Witkin, California Summary 10th Constitutional Law (1) In General. "The right to travel is a part of the 'liberty' of which the citizen cannot be deprived without the due process of law of the Fifth Amendment." (Kent v. Dulles...	2021	Other Secondary Source	—	8 S.Ct.
—	73. Am. Jur. 2d Constitutional Law s 623, § 623. Right to travel for purposes of liberty interest of Due Process Clause Am. Jur. 2d Constitutional Law The constitutional freedom to travel includes the freedom to enter and abide in any state in the Union. However, the means or mode of traveling may be subjected to reasonable...	2021	Other Secondary Source	—	4 S.Ct.
—	74. Am. Jur. 2d Criminal Law s 15, § 15. Fair notice and uniform enforcement requirements Am. Jur. 2d Criminal Law The constitutional injunction that is commonly referred to as the "void for vagueness doctrine" embodies two central precepts: the right to a fair warning of the effect of a...	2021	Other Secondary Source	—	4 S.Ct.
—	75. Am. Jur. 2d Passports s 1, § 1. Generally; definitions Am. Jur. 2d Passports A United States passport is a travel document issued under the authority of the Secretary of State attesting to the identity and nationality of the bearer. A "passport" is any...	2021	Other Secondary Source	—	3 S.Ct.
—	76. Am. Jur. 2d Passports s 13, § 13. Right to travel Am. Jur. 2d Passports The right to travel outside the United States is a "liberty" secured to United States citizens and is not subject to restriction without due process of law under the Fifth...	2021	Other Secondary Source	—	4 S.Ct.
—	77. Am. Jur. 2d Passports s 41, § 41. Enforcement powers Am. Jur. 2d Passports The Secretary of State may revoke and withhold a citizen's passport until the citizen agrees to refrain from use of the passport in restricted areas, or may condition issuance of a...	2021	Other Secondary Source	—	5 8 S.Ct.
—	78. Cal. Jur. 3d Constitutional Law s 208, § 208. Right to travel under state and federal constitutions Cal. Jur. 3d Constitutional Law Although not explicitly mentioned in the Federal Constitution, the right to travel freely is a basic right or entitlement under the Constitution. The nature of the federal union...	2021	Other Secondary Source	—	4 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
—	79. CJS Citizens s 27, § 27. Necessity of passport, generally CJS Citizens Except as otherwise ordered by the President, and subject to such limitations and exceptions as the President may authorize and prescribe, it is unlawful for any United States...	2021	Other Secondary Source	—	3 S.Ct.
—	80. CJS Citizens s 30, § 30. Overview of crimes regarding passports CJS Citizens It is a crime to falsely make, forge, counterfeit, mutilate, or alter any passport or instrument purporting to be a passport with the intent that it may be used. It is also a crime...	2021	Other Secondary Source	—	8 S.Ct.
—	81. CJS Constitutional Law s 2125, § 2125. Due process considerations with respect to right to travel CJS Constitutional Law The right to travel is a fundamental right and a part of the liberty of which a person cannot be deprived without due process of law and is closely related to the rights of free...	2021	Other Secondary Source	—	4 S.Ct.
—	82. Corpus Juris Secundum Criminal Law: Substantive Principles s 116, § 116. Reliance on official interpretation of law Corpus Juris Secundum Criminal Law: Substantive Principles A mistake of law may be a defense where the accused has legitimately relied upon an official interpretation of the law, provided that such reliance is reasonable. A mistake of law...	2021	Other Secondary Source	—	—
—	83. N.Y. Jur. 2d Criminal Law: Substantive Principles and Offenses s 39, § 39. Mistake of law—As defense N.Y. Jur. 2d Criminal Law: Substantive Principles and Offenses While as a general rule ignorance or mistake of law will not excuse an act in violation of the criminal law, the defense of mistake of law is a viable exemption in those instances...	2021	Other Secondary Source	—	10 S.Ct.
—	84. TX Jur. 3d Constitutional Law s 193, § 193. Right to travel TX Jur. 3d Constitutional Law Although not explicitly mentioned in the Federal Constitution, the right to travel freely from one state to another is a basic right under the Constitution. The nature of the...	2021	Other Secondary Source	—	4 S.Ct.
—	85. RELIANCE ON GOVERNMENT ADVICE TO PRECLUDE CRIMINAL ENFORCEMENT ACTIONS UNDER THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT 51 Admin. L. Rev. 237 , 260 Introduction. 237 I. The HHS Advisory Opinion. 240 A. Procedures to Obtain an Opinion. 241 II. Federal Agencies' Advisory Opinions and their Preclusive Effect. 243 A. Category...	1999	Law Review	—	10 S.Ct.

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—	<p>86. REFLECTIONS ON REVES v. ERNST & YOUNG: ITS MEANING AND IMPACT ON SUBSTANTIVE, ACCESSORY, AIDING ABETTING AND CONSPIRACY LIABILITY UNDER RICO</p> <p>33 Am. Crim. L. Rev. 1345 , 1626</p> <p>There is nothing more difficult to take in hand, more perilous to conduct, or more uncertain in its success, than to take the lead in the introduction of a new order of things...</p>	1996	Law Review	—	<p>10</p> <p>S.Ct.</p>
—	<p>87. CULPABILITY, MISTAKE, AND OFFICIAL INTERPRETATIONS OF LAW</p> <p>25 Am. J. Crim. L. 1 , 78+</p> <p>I. Introduction. 2 II. The Common Law of Entrapment by Estoppel. 5 A. Case Law, Commentary, and Model Penal Code. 6 1. Cases. 6 2. Commentary and Model Penal Code. 13 ...</p>	1997	Law Review	—	<p>2</p> <p>7</p> <p>8</p> <p>S.Ct.</p>
—	<p>88. THREATS, FREE SPEECH, AND THE JURISPRUDENCE OF THE FEDERAL CRIMINAL LAW</p> <p>2002 B.Y.U. L. Rev. 829 , 1130</p> <p>"[A] true threat is not protected by the First Amendment." "To the extent that the [lower] court's judgment rests on the ground that . . . citizens were 'intimidated' by...</p>	2002	Law Review	—	<p>9</p> <p>S.Ct.</p>
—	<p>89. THE PROPOSED DUTY TO INQUIRE AS AFFECTED BY RECENT CRIMINAL LAW DECISIONS IN THE UNITED STATES SUPREME COURT</p> <p>3 Buff. Crim. L. Rev 701 , 754</p> <p>In the past several years, Andrew Ashworth and Andrew von Hirsch and Douglas Husak have urged, as a more refined notion of desert liability in cases otherwise characterized as...</p>	2000	Law Review	—	<p>10</p> <p>S.Ct.</p>
—	<p>90. HAVE RIFLE WITH SCOPE, WILL TRAVEL: THE GLOBAL ECONOMY OF MERCENARY VIOLENCE</p> <p>30 Cal. W. Int'l L.J. 1 , 43</p> <p>Mercenary activity has not declined since the end of the Cold War. On the contrary, the international black market of military services is flourishing. While Cold War...</p>	1999	Law Review	—	—
—	<p>91. FLIGHT FROM CUBA</p> <p>36 Cal. W. L. Rev. 39 , 75</p> <p>We live, after all, in an age of mass exodus. The flight from Cuba has taken place on our very doorstep, affected our politics and contributed to the changing face of our culture....</p>	1999	Law Review	—	<p>5</p> <p>7</p> <p>S.Ct.</p>
—	<p>92. CONSTITUTIONAL PROTECTION OF FOREIGN TRAVEL</p> <p>81 Colum. L. Rev. 902 , 931+</p> <p>During the hostage crisis in Iran, President Carter promulgated an executive order that, in effect, prohibited United States citizens from travelling to that country. More...</p>	1981	Law Review	—	<p>2</p> <p>6</p> <p>7</p> <p>S.Ct.</p>

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—	93. JUSTICE HARLAN AND THE FIRST AMENDMENT 2 Const. Comment. 425 , 459 During the Warren Court era a debate raged between 'balancers' and 'absolutists.' In this debate, balancing referred to a case-by-case weighing of an individual's interest in free...	1985	Law Review	—	—
—	94. EXTRATERRITORIALITY AND THE INTEREST OF THE UNITED STATES IN REGULATING ITS OWN 99 Cornell L. Rev. 1441 , 1470 Introduction. 1441 I. The Federal Government's Interest in Regulating Its Own Officials. 1443 II. The Federal Government's Power to Regulate Its Own Citizens. 1448 III. The...	2014	Law Review	—	3 S.Ct.
—	95. SOME REFLECTIONS ON LEGISLATION, ADJUDICATION, AND IMPLIED PRIVATE ACTIONS IN THE STATE AND FEDERAL COURTS 71 Cornell L. Rev. 501 , 585 The Goodyear Blimp is not often discussed in the standard literature of the law. Nor have commentators explained the connection between the Blimp and the game of football. The...	1986	Law Review	—	9 S.Ct.
—	96. A THEORY OF LEGISLATIVE DELEGATION 68 Cornell L. Rev. 1 , 67 INTRODUCTION I. THE DELEGATION DOCTRINE IN THE COURTS A. Historical Development B. Judicial and Legislative Preferences II. DELEGATION, WELFARE, AND PUBLIC ADMINISTRATION A....	1982	Law Review	—	—
—	97. AMERICA'S CUBA POLICY: THE WAY FORWARD A POLICY RECOMMENDATION FOR THE U.S. STATE DEPARTMENT 13 Harv. Latino L. Rev. 187 , 237+ Executive Summary & Foreword. 188 Introduction. 190 Recommendation 1: Statement & Cuba Study Group. 196 Recommendation 2: Incremental Engagement. 196 (2A) Engage Cuba Within the...	2010	Law Review	—	5 S.Ct.
—	98. THE APPELLATE RULE OF LENITY 131 Harv. L. Rev. F. 179 , 212 Professor Abbe Gluck and Judge Richard Posner rightly point to the federal courts of appeals as the locus of most statutory interpretation, even though the Supreme Court usually...	2018	Law Review	—	—
—	99. RATIONAL AND CONSTITUTIONAL APPROACHES TO AIRLINE SAFETY IN THE FACE OF TERRORIST THREATS 49 DePaul L. Rev. 847 , 886+ "They are all targets. . . . every day . . . they will receive a new corpse . . ." -- Osama bin Laden, multimillionaire terrorist, issuing a threat to Americans. The modern...	2000	Law Review	—	3 S.Ct.

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—	100. BANKRUPT ESTOPPEL: THE CASE FOR A UNIFORM DOCTRINE OF JUDICIAL ESTOPPEL AS APPLIED AGAINST FORMER BANKRUPTCY DEBTORS 81 Fordham L. Rev. 1353 , 1391 This Note examines the role judicial estoppel plays in supporting the U.S. federal bankruptcy regime. Though once considered an obscure doctrine, the use of judicial estoppel to...	2012	Law Review	—	—
—	101. TRAVEL THAT TALKS: TOWARD FIRST AMENDMENT PROTECTION FOR FREEDOM OF MOVEMENT 65 Geo. Wash. L. Rev. 106 , 129+ Free movement by the citizen is . . . dangerous to a tyrant . . . and it is therefore controlled . . . in the interests of security. Although international freedom of movement has...	1996	Law Review	—	2 S.Ct.
—	102. CURTISS-WRIGHT COMES HOME: EXECUTIVE POWER AND NATIONAL SECURITY SECRECY 21 Harv. C.R.-C.L. L. Rev. 349 , 408 Collectively we face no greater challenge than maintaining sensible perspectives on national security issues. Central to this task is the need to achieve a tolerable balance...	1986	Law Review	—	2 S.Ct.
—	103. THE IMMUNITY-CONFERRING POWER OF THE OFFICE OF LEGAL COUNSEL 121 Harv. L. Rev. 2086 , 2109+ At a February 2008 congressional hearing, Attorney General Michael Mukasey stated that "the Justice Department . . . could not investigate or prosecute somebody for acting in...	2008	Law Review	—	—
—	104. RIGHT TO TRAVEL ABROAD 98 Harv. L. Rev. 184 , 195+ In the wake of the Vietnam War, Congress passed several statutes to curb the President's increasing power over matters of foreign policy and national security. One important aim...	1984	Law Review	—	8 S.Ct.
—	105. 2. THE RIGHT TO TRAVEL 95 Harv. L. Rev. 201 , 211 The substantive right to travel abroad, first announced by the Supreme Court in Kent v. Dulles, was subjected to new limitations this Term; it fell victim to the twin exigencies of...	1981	Law Review	—	4 S.Ct.
—	106. II. EXAGGERATED FEARS FOR THE NATIONAL SECURITY: SOME EXPERIENCE TO DATE 85 Harv. L. Rev. 1134 , 1189+ The tension between civil liberties and the government's need to protect its own continued functioning has emerged with particular clarity when the political branches have imposed...	1972	Law Review	—	2 7 S.Ct.

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—	<p>107. V. IMMIGRATION 81 Harv. L. Rev. 256 , 259</p> <p>A unanimous Court in United States v. Laub held that under section 215(b) of the Immigration and Nationality Act of 1952 it is not a crime to visit a country to which the...</p>	1967	Law Review	—	<p>7 8</p> <p>S.Ct.</p>
—	<p>108. CIRCUMVENTING DUE PROCESS: A JUDICIAL RESPONSE TO CRIMINAL RECIDIVISM UNDER THE BAIL REFORM ACT 15 Hastings Const. L.Q. 319 , 357</p> <p>Today a majority of the Court applies itself to an ominous exercise in demolition. Theirs is truly a decision which will go forth without authority and come back without respect....</p>	1988	Law Review	—	<p>1</p> <p>S.Ct.</p>
—	<p>109. WHO MAY LEAVE: A REVIEW OF SOVIET PRACTICE RESTRICTING EMIGRATION ON GROUNDS OF KNOWLEDGE OF %7"STATE SECRETS" IN COMPARISON WITH STANDARDS OF INTERNATIONAL LAW AND THE POLICIES OF OTHER STATES 15 Hofstra L. Rev. 381 , 442</p> <p>INTRODUCTION. 383 I. THE RIGHT TO EMIGRATE UNDER INTERNATIONAL LAW. 384 A. Recognition of the Right to Emigrate. 384 1. Background. 384 2. The Universal Declaration of Human...</p>	1987	Law Review	—	<p>2 7</p> <p>S.Ct.</p>
—	<p>110. AIRLINE TERRORISM: THE EFFECT OF TIGHTENED SECURITY ON THE RIGHT TO TRAVEL 63 J. Air L. & Com. 819 , 848</p> <p>I. INTRODUCTION. 820 II. RESPONSE TO INCREASED TERRORIST THREATS TO AVIATION. 823 A. Historical Background. 823 1. International Response. 823 a. The Warsaw Convention....</p>	1998	Law Review	—	<p>3</p> <p>S.Ct.</p>
—	<p>111. YOU CAN'T GET THERE FROM HERE: TRAVEL RESTRICTIONS AND THE AIRLINES 58 J. Air L. & Com. 345 , 409+</p> <p>IN THE MIDST of social, political, and economic upheaval around the world, governmentally imposed travel restrictions are rapidly being revised in many countries. The removal of...</p>	1992	Law Review	—	<p>2 3 7</p> <p>S.Ct.</p>
—	<p>112. THE LAW OF HIGHER EDUCATION AND THE COURTS: 1994 IN REVIEW 22 J.C. & U.L. 367 , 883</p> <p>I. INTRODUCTION 371 II. THE FIRST AMENDMENT 380 A. Free Speech on Campus 380 1. The Campus as a Forum for Speech 380 a. Characterizing the Speech at Issue 381 b....</p>	1996	Law Review	—	—
—	<p>113. CONSENSUS IN THE UNANIMOUS DECISIONS OF THE U.S. SUPREME COURT 72 Judicature 274 , 279</p>	1989	Law Review	—	—

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—	<p>114. BLESSED BE THE TIES THAT BIND: THE NEXUS BETWEEN NATIONALITY AND TERRITORY 56 Miss. L.J. 447 , 533</p> <p>People are, and remain, a cardinal base of power of national elites. In former times, they have been kept together by invocation and enforcement of group myths such as common...</p>	1986	Law Review	—	7 S.Ct.
—	<p>115. JUDICIAL REVIEW AND SEPARATION OF POWERS IN FRANCE AND THE UNITED STATES 57 N.Y.U. L. Rev. 363 , 438</p> <p>Recognizing the tension between substantive judicial review and democratic theory. Professor Neuborne argues that courts, by engaging in separation of powers review, can protect...</p>	1982	Law Review	—	—
—	<p>116. COMMENT: AMERICA'S ANTI-HIJACKING CAMPAIGN-WILL IT CONFORM TO OUR CONSTITUTION? 3 N.C. J. L. & Tech. 123 , 150</p> <p>On September 11, 2001, tragedy struck the United States after nineteen hijackers slipped past security in three American airports and, wielding only knives and box cutters,...</p>	2001	Law Review	—	—
—	<p>117. THE MISTAKE OF LAW DEFENSE AND AN UNCONSTITUTIONAL PROVISION OF THE MODEL PENAL CODE 93 N.C. L. Rev. 139 , 150+</p> <p>At common law, a defendant's mistaken belief about the law was no defense, even if that mistake resulted from reasonable reliance on governmental advice. Thus, if a prosecutor or...</p>	2014	Law Review	—	10 S.Ct.
—	<p>118. THE FIRST AMENDMENT AND NATIONAL SECURITY: THE COURT RESPONDS TO GOVERNMENTAL HARASSMENT OF ALLEGED COMMUNIST SYMPATHIZERS 19 Ohio N.U. L. Rev. 885 , 926</p> <p>The First Amendment of the United States Constitution in pertinent part states that "Congress shall make no law . . . abridging the freedom of speech" What did the...</p>	1993	Law Review	—	—
—	<p>119. FAIR WARNING AND THE RETROACTIVE JUDICIAL EXPANSION OF FEDERAL CRIMINAL STATUTES 74 S. Cal. L. Rev. 455 , 521</p> <p>The "fair warning requirement" implicit in the Due Process Clause demands that criminal statutes provide "fair warning . . . in language that the common world will understand,...</p>	2001	Law Review	—	10 S.Ct.
—	<p>120. A CRITICAL APPRAISAL OF THE DEPARTMENT OF JUSTICE'S NEW APPROACH TO MEDICAL MARIJUANA 22 Stan. L. & Pol'y Rev. 633 , 669</p> <p>The Obama Administration has embarked upon a much-heralded shift in federal policy toward medical marijuana. Eschewing the hardball tactics favored by earlier administrations,...</p>	2011	Law Review	—	10 S.Ct.

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—	<p>121. PASSPORTS AND AREA RESTRICTIONS 20 Stan. L. Rev. 839 , 839+</p> <p>During the last 10 years the Supreme Court has focused on several significant aspects of the right to foreign travel and the power of the Government to restrict that travel. In...</p>	1968	Law Review	—	<p>6 7 8</p> <p>S.Ct.</p>
—	<p>122. CRIMINAL SANCTIONS AGAINST PASSPORT AREA-RESTRICTION VIOLATIONS 19 Stan. L. Rev. 1369 , 1381+</p> <p>Two recent Supreme Court decisions have added another chapter to the continuing controversy concerning passports and the right to travel. United States v. Laub and Travis v. United...</p>	1967	Law Review	—	<p>6 7</p> <p>S.Ct.</p>
—	<p>123. CLOSE ENOUGH FOR GOVERNMENT WORK? HEIEN'S LESS-THAN-REASONABLE MISTAKE OF THE RULE OF LAW 2015 Sup. Ct. Rev. 147 , 204+</p> <p>In Heien v North Carolina, the Supreme Court held 8-1 that a search or seizure can be lawful under the Fourth Amendment despite its being founded on a government agent's mistake of...</p>	2015	Law Review	—	—
—	<p>124. PRIVACY: RIGHT OR PRIVILEGE: AN EXAMINATION OF PRIVACY AFTER BOWERS v. HARDWICK 39 Syracuse L. Rev. 875 , 896</p> <p>The common law doctrine of a right of privacy was first enunciated in a much cited law review article written by Samuel D. Warren and Louis D. Brandeis. The article, published in...</p>	1988	Law Review	—	<p>3</p> <p>S.Ct.</p>
—	<p>125. UNDERCOVER INVESTIGATIONS AND POLICE RULEMAKING 53 Tex. L. Rev. 203 , 294</p> <p>I. Interests Affected by Undercover Investigation. 210 A. Efficient Investigation of Criminal Cases. 210 B. Community Respect for Law Enforcement. 210 C. Personal Privacy. 211 D....</p>	1975	Law Review	—	—
—	<p>126. THE PRESIDENTIAL PARDONS OF JAMES R. HOFFA AND RICHARD M. NIXON: HAVE THE LIMITATIONS ON THE PARDON POWER BEEN EXCEEDED? 48 U. Colo. L. Rev. 1 , 39</p> <p>Recent cases of a political nature have aroused new interest in the exercise of the pardon power granted to the President by Article II, Section 2 of the United States...</p>	1976	Law Review	—	<p>6</p> <p>S.Ct.</p>
—	<p>127. DUAL NATIONALITY, THE MYTH OF ELECTION, AND A KINDER, GENTLER STATE DEPARTMENT 23 U. Miami Inter-Am. L. Rev. 421 , 464</p> <p>I. Introduction. 421 II. The State Department on Current Law. 422 III. The Varieties of Election. 423 IV. Expatriation, Depatriation, and the Laws of Duals. 425 V. The 1952 Supreme...</p>	1992	Law Review	—	<p>1 2</p> <p>S.Ct.</p>

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—	<p>128. PRESUMED GUILTY: THE COURT OF APPEALS VERSUS SCOTT TUROW 136 U. Pa. L. Rev. 1879 , 1901</p> <p>On November 16, 1987, a panel of the United States Court of Appeals for the Eleventh Circuit, per curiam, handed down a thirteen page, unpublished opinion in a case entitled United...</p>	1988	Law Review	—	<p>10 S.Ct.</p>
—	<p>129. EAST-WEST TRADE BOYCOTTS: A STUDY IN PRIVATE, LABOR UNION, STATE, AND LOCAL INTERFERENCE WITH FOREIGN POLICY 118 U. Pa. L. Rev. 841 , 938</p> <p>Trade relations between the United States and the Communist nations of Eastern Europe have long presented a sensitive foreign policy issue. During the decade 1958-68, and...</p>	1970	Law Review	—	—
—	<p>130. ENSLAVED CONSTITUTION: OBSTRUCTING THE FREEDOM TO TRAVEL 70 U. Pitt. L. Rev. 233 , 275</p> <p>Does the Constitution protect a citizen's intra-state travel (within a state) from unjustified state prohibition? To date, the Supreme Court has not ruled directly on the issue,...</p>	2008	Law Review	—	<p>4 S.Ct.</p>
—	<p>131. PUTTING SQUARE PEGS IN A ROUND HOLE: PROCEDURAL DUE PROCESS AND THE EFFECT OF FAITH HEALING EXEMPTIONS ON THE PROSECUTION OF FAITH HEALING PARENTS 29 U.S.F. L. Rev. 43 , 119+</p> <p>I. Introduction . 44 II. An Overview of the Faith Healing Exemptions . 51 III. Assessing the Inadequacies of the Current Doctrine: Putting Square Pegs in a Round Hole . 64 A....</p>	1994	Law Review	—	<p>10 S.Ct.</p>
—	<p>132. THE SENTENCING RULE OF LENITY 33 U. Tol. L. Rev. 511 , 579</p> <p>THE canons of statutory interpretation have not so much fallen into disrepute as failed to escape from it. The canons--an arsenal of judicially-crafted interpretive rules that...</p>	2002	Law Review	—	—
—	<p>133. SEX OFFENDERS AND CHILD SEX TOURISM: THE CASE FOR PASSPORT REVOCATION 18 Va. J. Soc. Pol'y & L. 153 , 202</p> <p>This paper addresses the problem that, under current law, convicted American sex offenders can obtain passports and travel overseas to abuse children sexually. American citizens...</p>	2011	Law Review	—	<p>5 8 S.Ct.</p>
—	<p>134. RED FLAGGING CIVIL LIBERTIES AND DUE PROCESS RIGHTS OF AIRLINE PASSENGERS: WILL A REDESIGNED CAPPS II SYSTEM MEET THE CONSTITUTIONAL CHALLENGE? 61 Wash. & Lee L. Rev. 1385 , 1436</p> <p>Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety. C1-5Table of Contents I. L2-4,T4Introduction 1386 II....</p>	2004	Law Review	—	<p>5 S.Ct.</p>

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—	<p>135. THE NYLON CURTAIN: AMERICA'S NATIONAL BORDER AND THE FREE FLOW OF IDEAS 26 Wm. & Mary L. Rev. 719 , 777+</p> <p>When Winston Churchill coined his inspired bit of rhetoric some forty years ago, he shaped the perceptions of a generation. By characterizing the Soviet empire as encased in an...</p>	1985	Law Review	—	<p>2 7 S.Ct.</p>
—	<p>136. TRAFFIC IN THE TRAFFICKERS: EXTRADITION AND THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT OF 1970 83 Yale L.J. 706 , 744</p> <p>On March 15, 1971, Auguste Joseph Ricord was indicted in the United States District Court for the Southern District of New York as the leader of a narcotics smuggling conspiracy...</p>	1974	Law Review	—	—
—	<p>137. 70-71 CCH DEC., FSLR P 93,006, UNITED STATES V. WEISSCREDIT BANCA COMMERCIALE E D'INVESTIMENTI, ET AL. Federal Securities Cases Archive</p> <p>U.S. District Court, S.D. New York, No. 70 Cr. 29, April 15, 1971, 325 F.Supp 1384 Opinion in full text. Whitney North Seymour, Jr., (Gary P. Naftalis, Assistant United States...</p>	1971	Other Secondary Source	—	—
—	<p>138. 23 International Legal Materials 792, United States: Supreme Court Opinion in Regan v. Wald International Legal Materials</p>	1984	Other Secondary Source	—	<p>7 S.Ct.</p>
—	<p>139. 22 International Legal Materials 805, Wald v. Regan International Legal Materials</p>	1983	Other Secondary Source	—	—
—	<p>140. P 250,593 U.S. V. NEUFELD, ET AL. Health Care Compliance Reporter</p> <p>U.S. v. Neufeld, et al. U.S. District Court, Southern District of Ohio, Eastern Division,, No. CR-2-94-144 (1), Nov. 27, 1995, 908 F. Supp. 491. Before: Smith, Judge. This matter...</p>	1995	Other Secondary Source	—	—
—	<p>141. P 206,036 UNITED STATES OF AMERICA, PLAINTIFF-APPELLANT, V. RICHARD D. LEVIN; RICHARD D. LEVIN, M.D., P.S.C., INC.; PAUL H. SORG, DEFENDANTS-APPELLEES. Health Care Compliance Reporter</p> <p>973 F.2d 463 UNITED STATES OF AMERICA, PLAINTIFF—APPELLANT, v. RICHARD D. LEVIN; RICHARD D. LEVIN, M.D., P.S.C., INC.; PAUL H. SORG, DEFENDANTS—APPELLEES. U.S. v. LEVIN, 973 F.2d...</p>	1992	Other Secondary Source	—	<p>10 S.Ct.</p>
—	<p>142. P 244,021 U.S. V. LEVIN, ET AL., Health Care Compliance Reporter</p> <p>U.S. v. Levin, et al., U.S. Court of Appeals, Sixth Circuit, No. 91-5034, Aug. 7, 1992,, 973 F2d 463 Before: KEITH and MARTIN, Circuit Judges; and KRUPANSKY, Senior Circuit Judge....</p>	1992	Other Secondary Source	—	<p>10 S.Ct.</p>

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—	<p>143. P 205,052 UNITED STATES OF AMERICA, PLAINTIFF-APPELLEE, V. JOSEPH LICHENSTEIN AND LEO BELLA, DEFENDANTS-APPELLANTS. Health Care Compliance Reporter</p> <p>610 F.2d 1272 UNITED STATES OF AMERICA, PLAINTIFF—APPELLEE, v. JOSEPH LICHENSTEIN AND LEO BELLA, DEFENDANTS—APPELLANTS. UNITED STATES v. LICHENSTEIN, 610 F.2d 1272 (5th Cir. 1980),...</p>	1980	Other Secondary Source	—	—
—	<p>144. P 205,065 UNITED STATES OF AMERICA, PLAINTIFF-APPELLANT, V. ROBERT A. MANN AND BANK OF THE SOUTHWEST, NATIONAL ASSOCIATION, DEFENDANTS-APPELLEES. Health Care Compliance Reporter</p> <p>517 F.2d 259 UNITED STATES OF AMERICA, PLAINTIFF—APPELLANT, v. ROBERT A. MANN AND BANK OF THE SOUTHWEST, NATIONAL ASSOCIATION, DEFENDANTS—APPELLEES. UNITED STATES v. MANN, 517 F.2d...</p>	1975	Other Secondary Source	—	10 S.Ct.
—	<p>145. MED-GUIDE 1996-1 MED-GUIDE-TB P 44,002, UNITED STATES V. NEUFELD, ET AL. Medicare and Medicaid Guide</p> <p>U.S. District Court, Southern District of Ohio, Eastern Division, No. CR-2-94-144 (1), Nov. 27, 1995 Fraud and abuse--Anti kickback statutes--Vagueness--Willful acceptance.-- In an...</p>	1995	Other Secondary Source	—	—
—	<p>146. MED-GUIDE 1992-2 MED-GUIDE-TB P 40,461, U.S. V. LEVIN, ET AL. Medicare and Medicaid Guide</p> <p>U.S. Court of Appeals, Sixth Circuit, No. 91-5034, Aug. 7, 1992 Before: Keith and Martin, Circuit Judges; and Krupansky, Senior Circuit Judge. Fraud and abuse--Ambiguity of...</p>	1992	Other Secondary Source	—	10 S.Ct.
—	<p>147. P 67,952 UNITED STATES V. CINEMETTE CORP. OF AMERICA, GEORGE STERN AND LARRY COLLINS. Trade Regulation Reporter (Trade Cases)</p> <p>United States v. Cinemette Corp. of America, George Stern and Larry Collins. 1988-1 Trade Cases ¶ 67,952. U.S. District Court, W.D. Pennsylvania, Criminal No. 87-232, Dated April...</p>	1988	Other Secondary Source	—	10 S.Ct.
—	<p>148. P 67,681 UNITED STATES V. PLITT SOUTHERN THEATRES, INC., AND ESSANTEE THEATRES, INC. Trade Regulation Reporter (Trade Cases)</p> <p>United States v. Plitt Southern Theatres, Inc., and Essantee Theatres, Inc. 1987-2 Trade Cases ¶ 67,681. U.S. District Court, W.D. North Carolina, Charlotte Division, No....</p>	1987	Other Secondary Source	—	5 S.Ct.

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—	149. INGNORANCE OF LAW, CRIMINAL CULPABILITY AND MORAL INNOCENCE: STRIKING A BALANCE BETWEEN BLAME AND EXCUSE 2002 Sing. J. Legal Stud. 302 , 327 The ignorance of law rule, embodied in the maxim ignorantia juris non excusat, occasionally conflicts with the fundamental tenet of the criminal law that the morally innocent...	2002	Law Review	—	—