

2476 18 U.S.C. § 2 is not an independent offense

While aiding and abetting might commonly be thought of as an offense in itself, it is not an independent [crime](#) under 18 U.S.C. § 2. That statute provides no penalty, and only abolishes the distinction between common law notions of "principal" and "accessory." *United States v. Kessler*, 724 F.2d 190, 200 (D.C. Cir. 1983). Under it, the acts of the perpetrator become the acts of the aider and abettor and the latter can be charged with having done the acts himself. *Id.* at 200-01. An individual may be indicted as a principal for [commission](#) of a substantive crime and convicted by proof showing him to be an aider and abettor. *Id.* The indictment need not specifically charge a violation of 18 U.S.C. § 2. *Id.* An aiding and abetting instruction may be given in a case where the indictment does not allege violation of the aiding and abetting statute. *Id.* An aider and abettor of a crime may be tried and convicted even though the principal is not tried, convicted or identified. *Id.*

[updated October 1998]