

Logan Act

The Logan Act (18 U.S.C.A. § 953 [1948]) is a single federal statute making it a crime for a citizen to confer with foreign governments against the interests of the United States. Specifically, it prohibits citizens from negotiating with other nations on behalf of the United States without authorization.

Congress established the Logan Act in 1799, less than one year after passage of the [Alien and Sedition Acts](#), which authorized the arrest and deportation of [Aliens](#) and prohibited written communication defamatory to the U.S. government. The 1799 act was named after Dr. George Logan. A prominent Republican and Quaker from Pennsylvania, Logan did not draft or introduce the legislation that bears his name, but was involved in the political climate that precipitated it.

In the late 1790s, a French trade embargo and jailing of U.S. seamen created animosity and unstable conditions between the United States and France. Logan sailed to France in the hope of presenting options to its government to improve relations with the United States and quell the growing anti-French sentiment in the United States. France responded by lifting the embargo and releasing the captives. Logan's return to the United States was marked by Republican praise and Federalist scorn. To prevent U.S. citizens from interfering with negotiations between the United States and foreign governments in the future, the Adams administration quickly introduced the bill that would become the Logan Act.

The Logan Act has remained almost unchanged and unused since its passage. The act is short and reads as follows:

Any citizen of the United States, wherever he may be, who, without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the United States, shall be fined under this title or imprisoned not more than three years, or both.

This section shall not abridge the right of a citizen to apply, himself or his agent, to any foreign government or the agents

thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects.

The language of the act appears to encompass almost every communication between a U.S. citizen and a foreign government considered an attempt to influence negotiations between their two countries. Because the language is so broad in scope, legal scholars and judges have suggested that the Logan Act is unconstitutional. Historically, the act has been used more as a threat to those engaged in various political activities than as a weapon for prosecution. In fact, Logan Act violations have been discussed in almost every administration without any serious attempt at enforcement, and to date there have been no convictions and only one recorded indictment.

One example of the act's use as a threat of prosecution involved the Reverend JESSE JACKSON. In 1984 Jackson took well-publicized trips to Cuba and Nicaragua and returned with several Cuban political prisoners seeking [Asylum](#) in the United States. President RONALD REAGAN stated that Jackson's activities may have violated the law, but Jackson was not pursued beyond a threat.

The only Logan Act indictment occurred in 1803. It involved a Kentucky newspaper article that argued for the formation in the western United States of a separate nation allied to France. No prosecution followed.

Further readings

Kearney, Kevin M. 1987. "Private Citizens in Foreign Affairs: A Constitutional Analysis." *Emory Law Journal* 36 (winter). Roth, Brad R. 1993. "The First Amendment in the Foreign Affairs Realm: 'Domesticating' the Restrictions on Citizen Participation." *Temple Political and Civil Rights Law Review* 2 (spring).

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