



Humanities / Issues

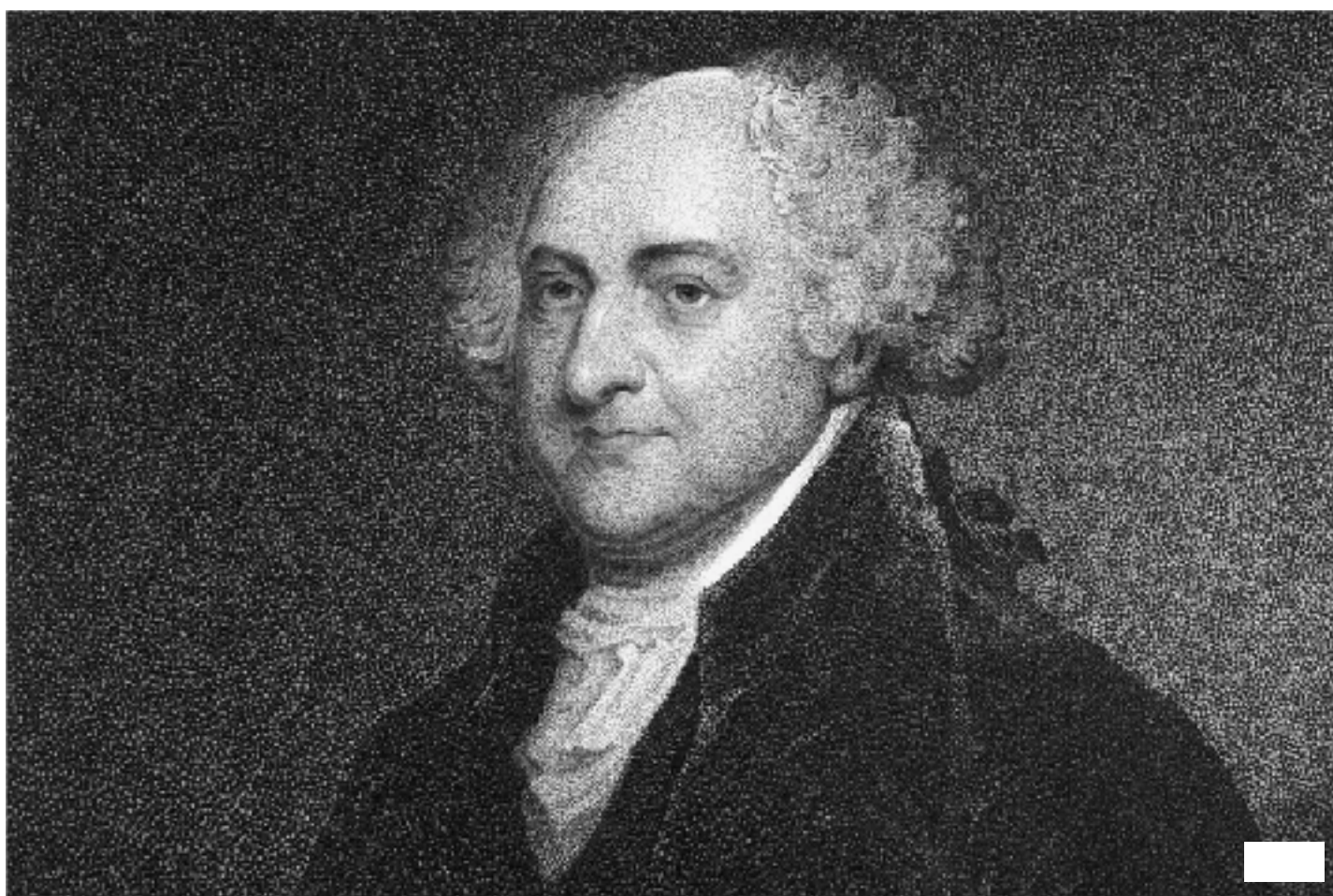
# What Is the Logan Act?

The odd history of the federal law that is never enforced

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 President John Adams. Hulton Archive/Getty Images


**By Robert McNamara**

**Updated December 01, 2018**

The Logan Act is an early federal law that prohibits private citizens from conducting foreign policy on behalf of the United States. No one has ever

been convicted under the Logan Act. Although the law has never been used, it is often discussed in political contexts, and it has remained on the books since it was passed in 1799.

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## Key Takeaways: The Logan Act

The Logan Act of 1799 is an early federal law prohibiting unauthorized diplomacy on behalf of the United States.

No one has ever been convicted of violating the Logan Act.

Despite never being enforced, the Logan Act remains in effect to this day and is often mentioned in political contexts.

It's perhaps fitting that the Logan Act is frequently mentioned in political contexts, as it was conceived in the contentious political climate during the administration of Federalist John Adams. It was named for Dr. George Logan, a Philadelphia Quaker and Republican of the era (meaning he was aligned with Thomas Jefferson, not the president day Republican Party).

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In the 1960s, there were calls for the Logan Act to be used against protesters of the Vietnam War. Calls for it to be used against Rev. Jesse Jackson in the 1980s were tamped down by President Ronald Reagan. The New York Times, in an editorial published in 1980, referred to the law as "quaint" and suggested it be scrapped, but the Logan Act has endured.

## Origins of the Logan Act

A trade embargo imposed by France in the late 1790s created serious diplomatic tensions which prompted the French to imprison some American sailors. In the summer of 1798 a Philadelphia physician, Dr. George Logan, sailed to France as a private citizen and sought to improve relations between the two countries.

Logan's mission was successful. France released American citizens and lifted its embargo. When he returned to America, Logan was hailed by the Republicans as a hero but was severely criticized by the Federalists.

The Adams administration decided to take action to prevent private

citizens from conducting American foreign policy and a new law to address the situation was introduced in Congress. It passed through Congress and was signed into law by President Adams in January 1799.

The text of the law is 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."

## **Applications of the Logan Act**

Legal scholars believe the law may be unconstitutional, as it is so broadly written. But because it is never used, there has not been a court case in which it has been challenged.

Following the criticism of his trip to France, and the peculiar distinction of having a law named for him, Dr. George Logan was elected as a United States Senator from Pennsylvania. He served from 1801 to 1807.

After returning to private life, Logan himself seemed not to care about the law carrying his name. According to a biography of Logan written by

his widow following his death in 1821, he had traveled to London in 1809, at a time of increasing tensions between the United States and Britain. Logan, acting again as a private citizen, sought to find a solution to avoid war between the two nations. He made little progress, and returned to America in 1810, two years before the outbreak of the War of 1812.

There were two cases of attempted indictments under the Logan Act in the early 19th century, but the cases were dropped. No one has ever come close to being convicted of it.

## **Modern Era Mentions of the Logan Act**

The Logan Act comes up when private citizens seem to be getting involved in diplomatic endeavors. In 1966, Staughton Lynd, a Quaker and college professor, traveled to North Vietnam with a small delegation on what he termed a fact-finding mission. The trip was very controversial, and there was speculation in the press that it might violate the Logan Act, but Lynd and his colleagues were never prosecuted.

In the 1980s, Rev. Jesse Jackson embarked on some well-publicized trips to foreign countries, including Cuba and Syria. He obtained the release of political prisoners, and there were calls for him to be prosecuted under the Logan Act. The Jackson controversy ended in July 1984 when President Ronald Reagan said he believed no laws had been violated by Jackson's travels.

In a more recent invocation of the Logan Act, critics of President Donald Trump contended his transition team violated the law by dealing with foreign powers before officially taking office. True to form, the Logan

Act was mentioned, but no one was prosecuted for violating it.

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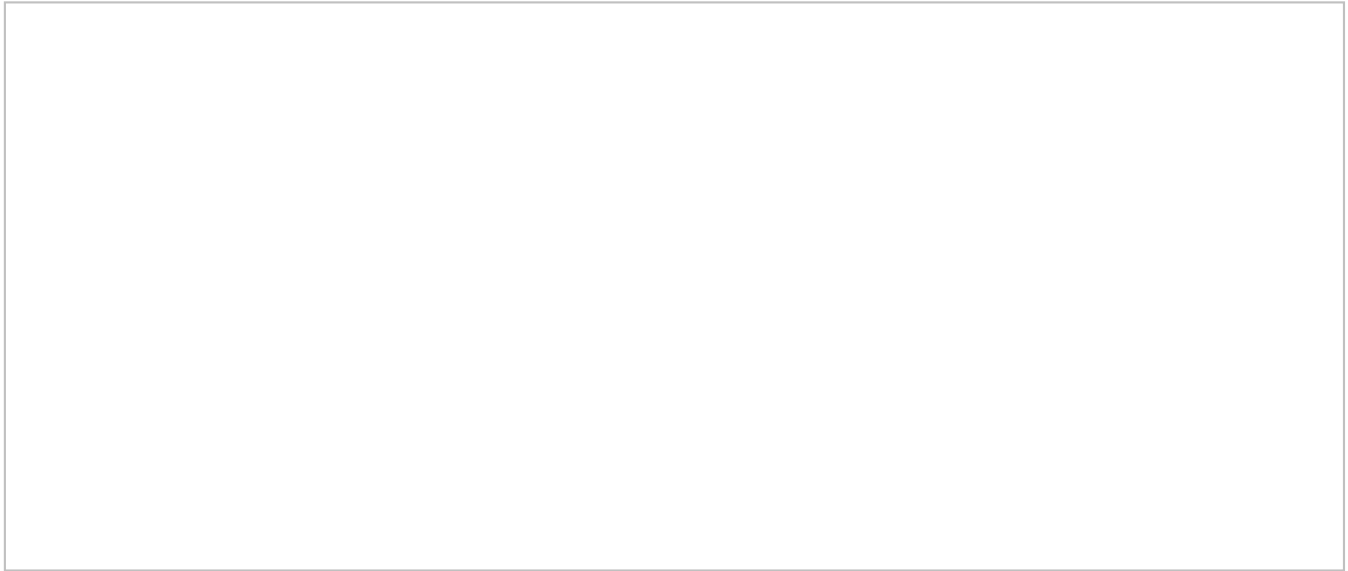
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