



Excerpts from the Sedition Act (with Annotations)

An Act in Addition to the Act, Entitled “An Act for the Punishment of Certain Crimes Against the United States.”

It was declared a misdemeanor to interfere with the work of the government and its officials and/or to conspire or assist in any way in the fostering of “insurrection, riot, unlawful assembly” whether or not such actions had any effect:

SECTION 1. Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That if any persons shall unlawfully combine or conspire together, with intent to oppose any measure... of the government of the United States..., or to impede the operation of any law of the United States, or to intimidate or prevent any person holding a place or office in or under the government of the United States, from undertaking, performing or executing his trust or duty, and if any person or persons... shall counsel, advise or attempt to procure any insurrection, riot, unlawful assembly, or combination, whether such conspiracy, threatening, counsel, advice, or attempt shall have the proposed effect or not, he or they shall be deemed guilty of a high misdemeanor, and on conviction, before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding five thousand dollars, and by imprisonment during a term not less than six months nor exceeding five years...

It was declared a misdemeanor to write or assist—in any way—the writer of anything “false, scandalous, and malicious... against the government of the United States”:

SEC. 2. And be it farther enacted, That if any person shall write, print, utter or publish, or shall cause... to be written, printed, uttered or published, or shall knowingly and willingly assist or aid in writing, printing, uttering or publishing any false, scandalous and malicious writing or writings against the government of the United States, or either house of the Congress of the United States, or the President of the United States, with intent to defame [attack the reputation of] the said government, or either house of the said Congress, or the said President; ...or to excite against them... the hatred of the good people of the United States, or to stir up sedition [rebellion] within the United States, or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, or any act of the President of the United States... or to resist, oppose, or defeat any such law or act, or to aid, encourage or abet any hostile designs of any foreign nation against United States, their people or government, then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years.

The accused could defend themselves in court—before a jury—by proving what they had written was actually true and therefore not libelous:

SEC. 3. And be it further enacted and declared, That if any person shall be prosecuted under this act, for the writing or publishing any libel aforesaid, it shall be lawful for the defendant, upon the trial of the cause, to give in evidence in his defense, the truth of the matter... charged as a libel. And the jury who shall try the cause, shall have a right to determine the law and the fact, under the direction of the court, as in other cases.

The Sedition Act was to be in force for a limited time only—until March 3, 1801—though cases against those suspected of committing “crimes” while the law was in effect could be prosecuted even after it had expired:

SEC. 4. And be it further enacted, That this act shall continue and be in force until the third day of March, one thousand eight hundred and one, and no longer: Provided, that the expiration of the act shall not prevent or defeat a prosecution and punishment of any offence against the law, during the time it shall be in force.