

Seditious conspiracy (from Wikipedia)

Seditious conspiracy ([18 U.S.C. § 2384](#)) is a crime under [United States](#) law. It is stated as follows:

If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined or imprisoned not more than 20 years, or both.

For a seditious conspiracy charge to be effected, a crime need only be planned, it need not be actually attempted. The US federal government has never won a sedition case against militia-types, white supremacists, or neo-Nazis. Since World War I, they have won numerous seditious conspiracy cases against [Puerto Rican independentistas](#), [communists](#) and others on the left, but no one on the radical right has ever been convicted of plotting to overthrow by force of arms the government of the United States.

Notable cases

In 1936, [Pedro Albizu Campos](#), a [Puerto Rican Nationalist](#), and nine others were charged with forcibly attempting to overthrow the Government of the United States in [Puerto Rico](#) and were jailed for 10 years in [Atlanta, Georgia](#).

In 1980, Puerto Rican Nationalist [Carmen Valentín Pérez](#) and nine other women and men were charged with seditious conspiracy for attempting to overthrow the government of the United States in Puerto Rico, and were each given sentences of up to 90 years in prison.^[3]

On 1 October 1995, Sheik [Omar Abdel-Rahman](#), a prominent [Muslim](#) cleric, and nine others were convicted of seditious conspiracy.^[4] They had been accused of [terrorist plots in New York City](#).

On 29 March 2010, nine members of [Hutaree](#) were charged with seditious conspiracy.

Sedition

In [law](#), **sedition** is overt conduct, such as [speech](#) and [organization](#), that is deemed by the legal authority to tend toward [insurrection](#) against the established order. Sedition often includes [subversion](#) of a [constitution](#) and [incitement](#) of discontent (or [resistance](#)) to lawful authority. Sedition may include any commotion, though not aimed at direct and open violence against the laws. Seditious words in writing are [seditious libel](#). A **seditionist** is one who engages in or promotes the interests of sedition.

Typically, sedition is considered a subversive act, and the [overt acts](#) that may be prosecutable under sedition laws vary from one legal code to another. Where the history of these legal codes has been traced, there is also a record of the change in the

definition of the elements constituting sedition at certain points in history. This overview has served to develop a [sociological](#) definition of sedition as well, within the study of state [persecution](#).

Australia

[Australia](#)'s sedition laws were amended in [anti-terrorism legislation](#) passed on 6 December 2005, updating definitions and increasing penalties.

In late 2006, the Commonwealth Government, under the Prime-Ministership of John [Howard](#) proposed plans to amend Australia's [Crimes Act 1914](#), introducing laws that mean artists and writers may be jailed for up to seven years if their work was considered seditious or inspired sedition either deliberately or accidentally.^[1] Opponents of these laws have suggested that they could be used against legitimate dissent.

In 2006, the then Australian attorney-general Philip Ruddock had rejected calls by two reports — from a [Senate](#) committee and the [Australian Law Reform Commission](#) — to limit the sedition provisions in the [Anti-Terrorism Act 2005](#) by requiring proof of intention to cause disaffection or violence. He had also brushed aside recommendations to curtail new clauses outlawing “urging conduct” that “assists” an “organisation or country engaged in armed hostilities” against the [Australian military](#).

The new laws, inserted into the legislation December 2005, allow for the criminalization of basic expressions of political opposition, including supporting resistance to Australian military interventions, such as those in [Afghanistan](#), [Iraq](#) and the [Asia-Pacific](#) region.^[2]

These laws were amended in Australia on the September 19, 2011. The ‘sedition’ clauses was repealed and replaced with ‘urging violence’. ^[1]

United Kingdom^[edit]

Sedition was a [common law offence](#) in the UK. [James Fitzjames Stephen](#)'s "Digest of the Criminal Law" stated that "*a seditious intention is an intention to bring into hatred or contempt, or to excite disaffection against the person of His Majesty, his heirs or successors, or the government and [constitution of the United Kingdom](#), as by law established, or either House of Parliament, or the administration of justice, or to excite His Majesty's subjects to attempt otherwise than by lawful means, the alteration of any matter in Church or State by law established, or to incite any person to commit any crime in disturbance of the peace, or to raise discontent or disaffection amongst His Majesty's subjects, or to promote feelings of ill-will and hostility between different classes of such subjects.*

An intention to show that His Majesty has been misled or mistaken in his measures, or to point out errors or defects in the government or constitution as by law established, with a view to their reformation, or to excite His Majesty's subjects to attempt by lawful means the alteration of any matter in Church or State by law established, or to point out, in order to secure their removal, matters which are producing, or have a

tendency to produce, feelings of hatred and ill-will between classes of His Majesty's subjects, is not a seditious intention."

Stephen in his "History of the Criminal Law of England" accepted the view that a [seditious libel](#) was nothing short of a direct incitement to disorder and violence. He stated that the modern view of the law was plainly and fully set out by Littledale J. in *Collins*. In that case the jury were instructed that they could convict of seditious libel only if they were satisfied that the defendant "meant that the people should make use of physical force as their own resource to obtain justice, and meant to excite the people to take the power in to their own hands, and meant to excite them to tumult and disorder."

The last prosecution for sedition in the [United Kingdom](#) was in 1972, when three people were charged with seditious conspiracy and uttering seditious words for attempting to recruit people to travel to [Northern Ireland](#) to fight in support of Republicans. The seditious conspiracy charge was dropped, but the men received suspended sentences for uttering seditious words and for offences against the [Public Order Act](#).^[21]

In 1977, a [Law Commission working paper](#) recommended that the common law offence of sedition in England and Wales be abolished. They said that they thought that this offence was redundant and that it was not necessary to have any offence of sedition.^[21] However this proposal was not implemented until 2009, when sedition and seditious libel (as common law offences) were abolished by section 73 of the [Coroners and Justice Act 2009](#) (with effect on 12 January 2010).^[22] Sedition by an [alien](#) is still an offence under section 3 of the Aliens Restriction (Amendment) Act 1919.^[23]

United States

In 1798, President [John Adams](#) signed into law the [Alien and Sedition Acts](#), the fourth of which, the *Sedition Act* or "An Act for the Punishment of Certain Crimes against the United States" set out punishments of up to two years of imprisonment for "opposing or resisting any law of the United States" or writing or publishing "false, scandalous, and malicious writing" about the [President](#) or the [U.S. Congress](#) (though not the office of the [Vice-President](#), then occupied by Adams' political opponent [Thomas Jefferson](#)). This Act of Congress was allowed to expire in 1801 after Jefferson's election to the Presidency.

In the [Espionage Act of 1917](#), Section 3 made it a federal crime, punishable by up to 20 years of imprisonment and a fine of up to \$10,000, to willfully spread false news of the American army and navy with an intent to disrupt their operations, to foment mutiny in their ranks, or to obstruct recruiting. This Act of Congress was amended [Sedition Act of 1918](#), which expanded the scope of the Espionage Act to any statement criticizing the [Government of the United States](#). These Acts were upheld in 1919 in the case of [Schenck v. United States](#), but they were largely repealed in 1921, leaving laws forbidding foreign espionage in the United States and allowing military [censorship](#) of sensitive material.

In 1940, the Alien Registration Act, or "[Smith Act](#)", was passed, which made it a federal crime to advocate or to teach the desirability of overthrowing the [United States Government](#), or to be a member of any organization which does the same. It was often used against [Communist Party](#) organizations. This Act was invoked in three major cases, one of which against the [Socialist Worker's Party](#) in [Minneapolis](#) in 1941, resulting in 23 convictions, and again in what became known as the [Great Sedition Trial of 1944](#) in which a number of pro-[Nazi](#) figures were indicted but released when the prosecution ended in a [mistrial](#). Also, a series of trials of 140 leaders of the [Communist Party USA](#) also relied upon the terms of the "Smith Act"—beginning in 1949—and lasting until 1957.

Although the [U.S. Supreme Court](#) upheld the convictions of 11 CPUSA leaders in 1951 in [Dennis v. United States](#), that same Court reversed itself in 1957 in the case of [Yates v. United States](#), by ruling that teaching an ideal, no matter how harmful it may seem, does not equal advocating or planning its implementation. Although unused since at least 1961, the "Smith Act" remains a Federal law.

There was, however, a brief attempt to use the sedition laws against protesters of the Vietnam War. On October 17, 1967, two demonstrators, including then Marin County resident Al Wasserman, while engaged in a 'sit in' at the Army Induction Center in Oakland, Ca., were arrested and charged with sedition by deputy US. Marshall Richard St. Germain. U.S. Attorney Cecil Poole changed the charge to trespassing. Poole said, "three guys (according to Mr. Wasserman there were only 2) reaching up and touching the leg of an inductee, and that's conspiracy to commit sedition? That's ridiculous!" The inductees were in the process of physically stepping on the demonstrators as they attempted to enter the building, and the demonstrators were trying to protect themselves from the inductees' feet. Attorney Poole later added, "We'll decide what to prosecute, not marshals."^[26]

In 1981, [Oscar López Rivera](#), a Puerto Rican Nationalist and Vietnam war veteran, was convicted and sentenced to 70 years in prison for seditious conspiracy and various other offenses. He was among the 16 Puerto Rican nationalists offered conditional clemency by U.S. President Bill Clinton in 1999, but he rejected the offer. His sister, Zenaida López, said he refused the offer because on parole, he would be in "prison outside prison." López Rivera is said to be "among the longest held political prisoners in the history of Puerto Rico and in the world." He has been jailed for 33 years, 4 months and 12 days.^[27]

Congressman [Pedro Pierluisi](#), has stated that "the primary reason that López Rivera did not accept the clemency offer extended to him in 1999 was because it had not also been extended to certain fellow [[independence](#)] prisoner, including Mr. [Torres](#)", and who was subsequently released from prison in July 2010."^[28]

In 1987, fourteen white supremacists were indicted by a federal grand jury on charges filed by the U.S. Department of Justice against a seditious conspiracy between July 1983 and March 1985. Some alleged conspirators were serving time for overt acts, such as the crimes committed by [The Order](#). Others such as [Louis Beam](#) and [Richard Butler](#) were charged for their speech seen as spurring on the overt acts by the others. In April 1988, a federal jury in Arkansas acquitted all the accused of charges of seditious conspiracy.^[29]

On October 1, 1995, [Omar Abdel-Rahman](#) and nine others were convicted of [seditious conspiracy](#).^[30]

Laura Berg, a nurse at a [U.S. Department of Veterans Affairs](#) hospital in [New Mexico](#) was investigated for sedition in September 2005^[31] after writing a letter^{[32][33]} to the editor of a local newspaper, accusing several national leaders of criminal negligence. Though their action was later deemed unwarranted by the director of Veteran Affairs, local human resources personnel took it upon themselves to request an [FBI](#) investigation. Ms. Berg was represented by the [ACLU](#).^[34] Charges were dropped in 2006.^[35]

On March 28, 2010, nine members of the [Hutaree](#) militia were arrested and charged with crimes including seditious conspiracy.^[36]