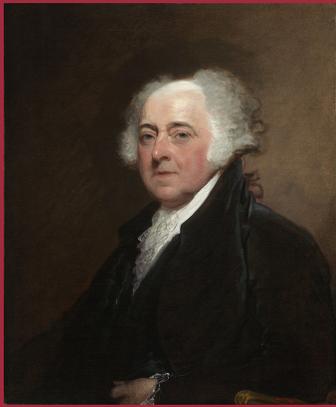


Civics is all around us. There is a lot to know about the government and how "We the People" interact with the government and each other. Let's help each other expand our civic literacy.

Protest has a long history in the United States, especially in the U.S. Capital. Citizens have taken to the streets to express their disagreements with the actions or policies of the government. Whether it is advocating for [civil rights](#), expressing opposition to [abortion rights](#), or demonstrating support or opposition to a political candidate, the [First Amendment](#) to the United States Constitution guarantees individuals the right to free speech, as well as the rights to peaceable assembly and to petition the government. Together, these add up to [peaceful protest](#). But there may be times where protest becomes unlawful and slips over the line into sedition.



President John Adams

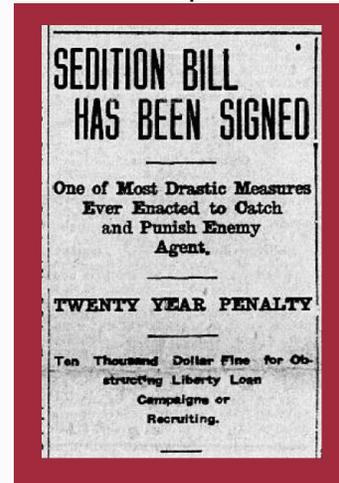
While sedition is not referenced in the Constitution, it is explained in the [U.S. law code](#), as amended in 1956, as - when individuals 'conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, 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'.

Sedition is a serious crime that can result in prison time. It, however, can be a little tricky to identify; what is the line between sedition and peaceful protest? At times, the government itself has blurred this line.

The first national efforts to suppress sedition were enacted in 1798, under the [Sedition Act](#) passed during the administration of President John Adams. This act criminalized protest and criticism of the government and was allowed to expire. Opponents argued that the Sedition Act violated the First Amendment's protections

for free speech, but it was never challenged in court. More than a century later, as the U.S. fought in the First World War, the [Espionage Act of 1917](#) was modified by the [Sedition Act of 1918](#) and prohibited criticism of the government or efforts to oppose military recruitment. The Espionage Act of 1917 was challenged on free speech grounds, but was upheld by the U.S. Supreme Court in [Schenck v. United States \(1919\)](#). In 1969, the U.S. Supreme Court essentially reversed itself and determined in [Brandenburg v. Ohio](#) that the government cannot punish inflammatory speech unless that speech is "directed to inciting or producing imminent lawless action and is likely to incite or produce such action."

Based on U.S. law and U.S. Supreme Court precedent, sedition must ultimately involve strong and clear efforts to interfere with the laws and property of the United States through force. Peaceful street protest outside a state or federal building is not sedition. Sedition occurs when a protest [transitions](#) into a mob that commits acts of violence that reject government authority.



**To Think and To Do:** First Amendment freedoms are not absolute. In *Brandenburg v. Ohio*, the U.S. Supreme Court stated that the government cannot punish inflammatory speech unless that speech is "directed to inciting or producing imminent lawless action and is likely to incite or produce such action." Given the Court's decision, why are our First Amendment freedoms not absolute and how do [existing limitations](#) contribute to the safety and security of our representative democracy?

**Learn MORE** about the concept of sedition. Free registration may be required.

- [Sedition](#), from FindLaw
- [Alien and Sedition Acts](#), from Library of Congress
- [Sedition and Incitement](#), from the Jack Miller Center



Lou Frey Institute