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Conducting Foreign Relations Without Authority: The Logan Act

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Summary

The Logan Act, codified at 18 U.S.C. § 953, states:

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, 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 Logan Act was intended to prohibit United States citizens without authority from interfering in relations between the United States and foreign governments. There appear to have been no prosecutions under the Act in its more than 200 year history. However, there have been a number of judicial references to the Act, and it is not uncommon for it to be used as a point of challenge concerning dealings with foreign officials. Although attempts have been made to repeal the Act, it remains law and at least a potential sanction to be used against anyone who without authority interferes in the foreign relations of the United States.

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Conducting Foreign Relations Without Authority: The Logan Act

Introduction

The Logan Act, designed to cover relations between private citizens of the United States and foreign governments, has prompted much controversy as to its scope and effect in its more than 200 years. Described as either a “paper dragon or sleeping giant” by one commentator, proclaimed to be possibly unconstitutional by others, it represents a combination of legal and policy factors in both domestic and international concerns.

As amended, the Act states:

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, 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.¹

In 1994 the fine was changed from \$5,000 to “under this title.”² Otherwise, there do not appear to have been any substantial changes in the Act since its original enactment on January 30, 1799, as 1 Stat. 613.

History of the Logan Act

After the French Revolution, difficulties developed between the Federalist Administration of the United States and the various revolutionary governments of France.³ Because the United States had not assisted the French revolutionaries to

¹ 18 U.S.C. § 953.

² P.L. 103-322, § 330016(1)(K). See 18 U.S.C. section 3571 for schedule of fines applicable to one found guilty of type of felony represented by Logan Act.

³ For additional information on the history of the Logan Act, see Kearney, *Private Citizens* (continued...)

their satisfaction and because the United States had ratified the Jay Treaty with Great Britain, the French government authorized plunderings of American merchant ships. In 1797 President Adams sent John Marshall, Charles C. Pinckney, and Elbridge Gerry as special envoys to France to negotiate and settle claims and causes of differences which existed between the French Directory and the United States. This mission resulted in the XYZ letters controversy, and its failure led to such strong anti-France feelings in the United States that preparations for war were begun by the Congress.

After the unsuccessful envoys returned from France, Dr. George Logan, a Philadelphia Quaker, a doctor, and a Republican, decided to attempt on his own to settle the controversies. Bearing a private certificate of citizenship from his friend, Thomas Jefferson, who at the time was Vice President, Logan sailed for France on June 12, 1798. In France he was hailed by the newspapers as the envoy of peace and was received by Talleyrand. The French Directory, having concluded that it was politically wise to relax tensions with the United States, issued a decree raising the embargo on American merchant ships and freed American ships and seamen.

Logan, however, received a less friendly response from the United States after he returned. Secretary of State Pickering told him that the French decree was illusory. General Washington expressed his disapproval of Logan's actions. President Adams recommended that Congress take action to stop the "temerity and impertinence of individuals affecting to interfere in public affairs between France and the United States."⁴ Representative Roger Griswold of Connecticut introduced a resolution in Congress to prevent actions similar to Logan's:

Resolved, That a committee be appointed to inquire into the expediency of amending the act entitled "An act in addition to the act for the punishment of certain crimes against the United States," so far as to extend the penalties, if need be, to all persons, citizens of the United States, who shall usurp the Executive authority of this Government, by commencing or carrying on any correspondence with the Governments of any foreign prince or state, relating to controversies or disputes which do or shall exist between such prince or state, and the United States.⁵

The resolution was passed, and the committee was appointed. On January 7, 1799, Griswold introduced in the House a bill based on the resolution:

Be it enacted, etc., that if any person, being a citizen of the United States, or in any foreign country, shall, without the permission or authority of the Government of the United States, directly or indirectly, commence or carry on any verbal or written correspondence or intercourse with any foreign

³ (...continued)

in *Foreign Affairs*, 36 EMORY L.J. 285 (1987); Vagts, *The Logan Act: Paper Tiger or Sleeping Giant?*, 60 A.J.I.L. 268 (1966); and Warren, *History of Laws Prohibiting Correspondence with a Foreign Government and Acceptance of a Commission*, S. Doc. No. 696, 64th Cong., 2d Sess. (1917).

⁴ 1 MESSAGES AND PAPERS OF THE PRESIDENT 267 (Richardson ed., 1897).

⁵ 9 ANNALS OF CONGRESS 2489, 5th Cong. (1798).

Government, or any officer or agent thereof, relating to any dispute or controversy between any foreign Government and the United States, with an intent to influence the measures or conduct of the Government having disputes or controversies with the United States, as aforesaid; or of any person, being a citizen of or resident within, the United States, and not duly authorized shall counsel, advise, aid or assist, in any such correspondence with intent as aforesaid, 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 — thousand dollars, and by imprisonment during a term not less than — months, not exceeding — years.⁶

The bill was debated at length, and various amendments were proposed, some of which passed and some of which did not. The House of Representatives passed the bill on January 17, 1799, and the Senate passed it on January 25, 1799. It was signed and became a law on January 30, 1799.

Judicial References to the Logan Act

There appear to have been few indictments under the Logan Act.⁷ The one indictment found occurred in 1803 when a grand jury indicted Francis Flournoy, a Kentucky farmer, who wrote an article in the FRANKFORT GUARDIAN OF FREEDOM under the pen name of “A Western American.” Flournoy advocated in the article a separate Western nation allied to France. The United States Attorney for Kentucky, an Adams appointee and brother-in-law of Chief Justice Marshall, went no further than procuring the indictment of Flournoy, and the purchase of the Louisiana Territory later that year appeared to cause the separatism issue to become obsolete.

So far as can be determined, there have been no prosecutions under the Logan Act. However, there have been a number of judicial references to the Act, among which are the following.

Judge Sprague of the Circuit Court for the District of Massachusetts mentioned the Logan Act in two charges that he made to grand juries during the Civil War. On October 18, 1861, he said:

There are other defenses to which our attention is called by the present condition of our country. A few months since a member of the British parliament declared, in the most public manner, that he had received many letters from the Northern states of America urging parliament to acknowledge the independence of the Southern confederacy. Such an announcement ought to arrest the attention of grand juries; for if any such communication has been made by a citizen of the United States, it is a high misdemeanor. St. 1799, c. 1. (1 Stat. 613) was especially designed to prevent such unwarrantable interference with the diplomacy and purposes of our government.⁸

⁶ *Id.* at 2565, 2583 (1799).

⁷ See Vagts, at 271.

⁸ 30 Fed. Cas. 1049, 1050-51 (No. 18, 277).

In the second grand jury charge referring to the Logan Act, made in 1863, Judge Sprague stated:

We have seen it stated in such form as to arrest attention, that unauthorized individuals have entered into communication with members of parliament and foreign ministers and officers in order to influence their conduct, in controversies with the United States, or to defeat the measures of our government. It ought to be known that such acts have been long prohibited by law.⁹

*American Banana Co. v. United Fruit Co.*¹⁰ referred to the Logan Act as follows:

No doubt in regions subject to no sovereign, like the high seas, or to no law that civilized countries would recognize as adequate, such countries may treat some relations between their citizens as governed by their own law and keep to some extent the old notion of personal sovereignty alive [citations omitted]. They go further, at times, and declare that they will punish anyone, subject or not, who shall do certain things if they can catch him, as in the case of pirates on the high seas. In cases immediately affecting national interests they may go further still and may make, and, if they get the chance, execute similar threats as to acts done within another recognized jurisdiction. An illustration from our statutes is found with regard to criminal correspondence with foreign governments. Rev. Stat., § 5335.¹¹

*Burke v. Monumental Division, No. 52*¹² was a case charging a union member with betraying the interests of his union at the time of negotiation between the union and a railroad during a labor dispute. The court compared the union's reaction toward the act of its member with Congress's feelings at the time of enactment of the Logan Act.

[T]he plaintiff's conduct is characterized as "traitorous," and it is said that he has committed "moral perjury." This is strong language; but there is no reason to question that it is really meant, and that those responsible for its use believe it to be fully justified. The truth doubtless is that to them the Brotherhood and the roads appear to be almost distinct sovereignties. At a time when it is at grip with the companies, for a member to let one of the latter sue in his name, for the purpose of preventing the use by it of one of its most efficient means of warfare, does to them seem treasonable. Within the limits of their power, they are determined to punish any such proceeding. They feel about it as did Congress when in 1799 it enacted the so-called Logan Act...making it a crime for any citizen to have intercourse with a foreign government with intent to defeat the measures of his own.¹³

⁹ 30 Fed. Cas. 1042, 1046 (No. 18, 274).

¹⁰ 213 U.S. 347 (1909).

¹¹ *Id.* at 356.

¹² 286 F. 949 (D.Md. 1922).

¹³ *Id.* at 952.

*United States v. Bryan*¹⁴ refers to 18 U.S.C. § 5, which is the predecessor of 18 U.S.C. § 953:

That the subject of un-American and subversive activities is within the investigating power of the Congress is obvious. Conceivably, information in this field may aid the Congress in legislating concerning any one of many matters, such as correspondence with foreign governments....¹⁵

*United States v. Peace Information Center*¹⁶ held that Congress had the power to enact the Foreign Agents Registration Act of 1938 under its inherent power to regulate external affairs as well as under its constitutional power to legislate concerning national defense and that the Act is not subject to any constitutional infirmity. The court mentioned similarities between the Logan Act and the Foreign Agents Registration Act, and the language used appears to indicate that the Logan Act, like the Foreign Agents Registration Act, is constitutional.

Citizens of the United States are forbidden to carry on correspondence or intercourse with any foreign government with an intent to influence its measures or conduct in relation to any disputes or controversies with the United States.

The Act under scrutiny in this case represents the converse of the last mentioned statute. The former deals with citizens of the United States who attempt to conduct correspondence with foreign governments. The latter affects agents of foreign principals who carry on certain specified activities in the United States. Both matters are equally within the field of external affairs of this country, and, therefore, within the inherent regulatory power of the Congress.¹⁷

In *Martin v. Young*,¹⁸ which concerned a petition for habeas corpus by a serviceman awaiting trial by a general court martial, the principal issue was whether the petitioner could be tried in a civil court for the offense charged against him by the Army. A part of the specification stated:

[That petitioner while interned in a North Korean prisoner of war camp, did] without proper authority, wrongfully, unlawfully, and knowingly collaborate, communicate and hold intercourse, directly and indirectly, with the enemy by joining with, participating in, and leading discussion groups and classes conducted by the enemy reflecting views and opinions that the United Nations and the United States were illegal aggressors in the Korean conflict....¹⁹

The court stated that the conduct described in the specification violated at least three criminal statutes under which the petitioner could be tried in a civil court, one of

¹⁴ 72 F. Supp. 58 (D.D.C. 1947).

¹⁵ *Id.* at 62.

¹⁶ 97 F. Supp. 255 (D.D.C. 1951).

¹⁷ *Id.* at 261.

¹⁸ 134 F. Supp. 204 (N.D. Cal. 1955).

¹⁹ *Id.* at 207.

which was the Logan Act, and granted the petition. However, the Department of Justice did not prosecute Martin under the Logan Act.

*Pennsylvania v. Nelson*²⁰ held that the Smith Act,²¹ which prohibits the knowing advocacy of the overthrow of the United States Government by force and violence, supersedes the enforceability of the Pennsylvania Sedition Act, which proscribes the same conduct. The reason given for the pre-emption is that the federal statutes touch a field in which the federal interest is so dominant that the federal system must be assured to preclude enforcement of state laws on the same subject. The Court mentioned that “[s]tates are barred by the Constitution from entering into treaties and by 18 U.S.C. § 953 from correspondence or intercourse with foreign governments with relation to their disputes or controversies with this Nation.”²²

*Briehl v. Dulles*²³ upheld certain Department of State regulations which provided that no passport shall be issued to members of the Communist Party. The court referred to other valid federal statutes which restrict persons in the area of foreign relations:

We have statutes dealing with persons who act as agents of a foreign government, or those who have “correspondence” with a foreign government with intent to influence its measures in relation to disputes or controversies with our Government or to defeat the measures of the United States.²⁴

In *Waldron v. British Petroleum Co.*²⁵ the plaintiff sued for triple damages under the Clayton Act for alleged conspiracy of the defendants to prevent the importation and sale by the plaintiff of Iranian oil. The defendants asserted that the plaintiff had obtained his contract through a series of violations of criminal statutes including the Logan Act. The court held that, in order to maintain this defense, the defendants would have to show that the plaintiff sought to thwart some clearly and unequivocally asserted policy measures of the United States instead of merely statements of opinion, attitude, and belief of government officials. The defendants were unable to show this. Further, the court noted that:

Another infirmity in defendants’ claim that plaintiff violated the Logan Act is the existence of a doubtful question with regard to the constitutionality of that statute [Logan Act] under the Sixth Amendment. That doubt is engendered by the statute’s use of the vague and indefinite terms, “defeat” and “measures” [citation omitted]. Neither of these words is an abstraction of common certainty or possesses a definite statutory or judicial definition.

²⁰ 350 U.S. 497 (1955).

²¹ 18 U.S.C. § 2385.

²² *Id.* at 516, fn 5.

²³ 248 F.2d 561 (D.C. Cir. 1957).

²⁴ *Id.* at 587.

²⁵ 231 F. Supp. 72 (S.D.N.Y. 1964).

Since, however, there are other grounds for disposing of this motion, it is not necessary to decide the constitutional question. Furthermore, any “ambiguity should be resolved in favor of lenity” [citation omitted].²⁶

The court also indicates that, although Congress should perhaps eliminate the vagueness of the Logan Act, the Act remains valid despite the lack of prosecutions under it.

The Court finds no merit in plaintiff’s argument that the Logan Act has been abrogated by desuetude. From the absence of reported cases, one may deduce that the statute has not been called into play because no factual situation requiring its invocation has been presented to the courts. Cf. Shakespeare, MEASURE FOR MEASURE, Act II, Scene ii (“The law hath not been dead, though it hath slept.”)

It may, however, be appropriate for the Court (Canons of Judicial Ethics, Judicial Canon 23) to invite Congressional attention to the possible need for amendment of Title 18 U.S.C. § 953 to eliminate this problem by using more precise words than “defeat” and “measures” and, at the same time, using language paralleling that now in § 954.²⁷

*United States v. Elliot*²⁸ also refers to the Logan Act and reaffirms the statute as it is discussed in *Waldron*:

Pertinent, too, is *Waldron v. British Petroleum Co.*, [citation omitted] wherein this court held vital a previously unenforced section of the Logan Act (18 U.S.C. § 953) promulgated in 1799.²⁹

In *Agee v. Muskie*³⁰ suit was brought to revoke Agee’s passport on the basis that his activities abroad were causing serious damage to the national security or foreign policy of the United States. In the Appendix to the case there are comments on various specific laws which Agee had allegedly violated. One of these was the Logan Act.

Agee is quoted as stating that “in recent weeks” prior to December 23, 1979 he proposed to the “militants” in Iran (who obviously under 18 U.S.C. § 11 are a “faction and body of insurgents” constituting a “foreign government”) that they should compel the United States to “exchange...the C.I.A.’s files on its operations in Iran since 1950 for the Captive Americans” [citation omitted]. Such conduct violates 18 U.S.C. § 953 which prohibits any citizen of the United States from carrying on correspondence or intercourse with any foreign government (the Iranian terrorist faction) “with intent to influence [its] measures or conduct or [that] of any...agent thereof [footnote omitted]. Agee’s violation

²⁶ *Id.* at 89.

²⁷ *Id.* at 89, fn 30.

²⁸ 266 F. Supp. 318 (S.D.N.Y. 1967).

²⁹ *Id.* at 326.

³⁰ 629 F. 2d 80 (D.C. Cir. 1980), *rev’d sub nom. Haig v. Agee*, 453 U.S. 280 (1981), on grounds unrelated to the Logan Act reference.

of this act with the Terrorists is self evident from his own uncontradicted statement.³¹

In *ITT World Communications, Inc. v. Federal Communications Commission*³² the court found that the lower court had misread ITT's complaint concerning violation of the Logan Act.

Under the Administrative Procedure Act, a party has standing to secure judicial review of any "agency action" that causes a "legal wrong" [footnote omitted]. The district court held that ITT has not suffered a legal wrong, reading its complaint solely to allege a violation of the Logan Act's prohibition of unauthorized negotiation with foreign governments [footnote omitted]. Because only the Department of State is aggrieved by violations of that criminal statute, the court reasoned, ITT's alleged injury is not legally cognizable.

We respectfully conclude that the district court misread ITT's complaint. The gravamen of ITT's allegation is quite specific: "The activities of the FCC...are unlawful and *ultra vires*, and in excess of the authority conferred on the Commission by the *Communications Act*" [footnote omitted]. Whether the complaint's two references to the Logan Act [footnote omitted] should be construed as an attempt to state a separate cause of action (as the Commission insists) or as mere illustrative matter not intended to assert a claim (as ITT argues), a cause of action under the Communications Act has clearly been alleged.³³

In *Equal Employment Opportunity Commission v. Arabian American Oil Co.*,³⁴ suit was brought to determine whether Title VII of the Civil Rights Act of 1964³⁵ applied extraterritorially to regulate employment practices of United States employers who employed United States citizens abroad. The Court, in its holding that there was not sufficient evidence to indicate that the Act was intended to apply abroad, stated:

Congress' awareness of the need to make a clear statement that a statute applies overseas is amply demonstrated by the numerous occasions on which it has expressly legislated the extraterritorial application of a statute. See, *e.g.*,...the Logan Act, 18 U.S.C. § 953 (applying Act to "any citizen...wherever he may be...").³⁶

*United States v. DeLeon*³⁷ concerned whether 8 U.S.C. section 1326, which makes it a crime for an alien who has been previously deported to enter, attempt to enter, or be found in the United States unless certain conditions are met, applies to

³¹ *Id.* at 112-113.

³² 699 F. 2d 1219 (D.C. Cir. 1983), *rev'd on other grounds*, 466 U.S. 463 (1984).

³³ *Id.* at 1231.

³⁴ 499 U.S. 244 (1991).

³⁵ 42 U.S.C. §§ 2000e *et seq.*

³⁶ 499 U.S. at 258.

³⁷ 270 F.3d 90 (1st Cir. 2001).

conduct occurring outside the United States. In holding that the statute does apply to conduct occurring outside the United States, the court stated:

More important, assuming that the Convention [Convention on the Territorial Sea and the Contiguous Zone] also provides or ratifies a power to regulate certain conduct within the contiguous zone, that has a substantial adverse effect within the United States. That power was assumed to exist well before the Convention, e.g., Logan Act....³⁸

In a series of reviews of a general court-martial, styled *United States v. Murphy*,³⁹ the appellant, who was charged with committing crimes abroad, urged the Logan Act as a basis for his being denied effective assistance of counsel.

The appellant contends that he was denied effective assistance of counsel at a critical stage of the proceedings due to an erroneous interpretation of the Logan Act.... The Logan Act prohibits unauthorized negotiation with a foreign government.... In appellant's case, the Federal Republic of Germany declined to exercise criminal jurisdiction, in accordance with existing Status of Forces Agreements [footnote omitted]. The appellant's counsel decided, after personal research and consultation with other military lawyers, that he was prohibited from attempting to persuade the German authorities to exercise jurisdiction. The appellant now argues that his trial defense counsel's failure to negotiate with the Federal Republic of Germany, which does not allow capital punishment, denied him effective assistance of counsel. We disagree....⁴⁰

Department of State References

A search of statements issued by the State Department concerning the Logan Act from 1975 to the present has found two opinions in the DIGEST OF UNITED STATES PRACTICE IN INTERNATIONAL LAW, continued, beginning in 1980, with a column in the AMERICAN JOURNAL OF INTERNATIONAL LAW. In these instances the Department did not consider the activities in question to be inconsistent with the Logan Act. One opinion concerned the questioning of certain activities of Senators John Sparkman and George McGovern with respect to the government of Cuba. The Department stated:

The clear intent of this provision [Logan Act] is to prohibit unauthorized persons from intervening in disputes between the United States and foreign governments. Nothing in section 953, however, would appear to restrict members of the Congress from engaging in discussions with foreign officials in pursuance of their legislative duties under the Constitution. In the case of Senators McGovern and Sparkman the executive branch, although it did not in any way encourage the Senators to go to Cuba, was fully informed of the nature and purpose of their visit, and had validated their passports for travel to that country.

³⁸ *Id.* at 94.

³⁹ 50 M.J. 4 (1998); 36 M.J. 1137 (1993); and 30 M.J. 1040 (1990).

⁴⁰ 30 M.J. at 1047-1048.

Senator McGovern's report of his discussions with Cuban officials states: "I made it clear that I had no authority to negotiate on behalf of the United States — that I had come to listen and learn...." (Cuban Realities: May 1975, 94th Cong., 1st Sess., August 1975). Senator Sparkman's contacts with Cuban officials were conducted on a similar basis. The specific issues raised by the Senators (e.g., the Southern Airways case; Luis Tiant's desire to have his parents visit the United States) would, in any event, appear to fall within the second paragraph of Section 953.

Accordingly, the Department does not consider the activities of Senators Sparkman and McGovern to be inconsistent with the stipulations of Section 953.⁴¹

A 1976 statement by the Department of State concerned a letter written by Ambassador Robert J. McCloskey, Assistant Secretary of State for Congressional Relations, to Senator John V. Tunney in reply to a constituent's inquiry about a visit of former President Nixon to the People's Republic of China. The letter stated:

Mr. Nixon's visit to the People's Republic of China was undertaken entirely in his capacity as a private United States citizen. In accordance with the expressed wishes of the Government of the People's Republic of China and as a normal matter of comity between governments, the U.S. Government permitted an aircraft from the People's Republic of China to land in California in connection with the visit. Aside from activities related to the Chinese special flights (including provision of an escort crew to insure safety of operations in U.S. airspace), the U.S. Government's role in the visit was limited to the provision by the Secret Service of personal protective services, as required by law, to the former President....

It is the responsibility of the Department of Justice to make determinations of whether criminal statutes of this sort have been transgressed and whether individuals should be prosecuted under them. However, the Department of State is unaware of any basis for believing that Mr. Nixon acted with the intent prohibited by the Logan Act. In this connection, it should be noted that no one has ever been prosecuted under the Logan Act....⁴²

In a number of instances, people have been alleged, often by political opponents, to have violated the Logan Act. For example, critics have suggested that Ross Perot's efforts to find missing American servicemen in Southeast Asia have violated the Logan Act. Critics alleged that former House Speaker Jim Wright violated the Logan Act in his relations with the Sandinista government. In 1984 while campaigning for the Democratic nomination for President, Reverend Jesse Jackson went to Syria to help in the release of a captured American military flyer and to Cuba and Nicaragua. The trips by Reverend Jackson occasioned comments from a number of people, most notably from President Reagan, that Reverend Jackson had violated the Logan Act. Other private citizens, such as Jane Fonda, have made trips which have been criticized as violative of the Logan Act, but there have apparently been no official sanctions taken in any of these instances.

⁴¹ DIGEST OF UNITED STATES PRACTICE IN INTERNATIONAL LAW 1975, p. 750.

⁴² DIGEST OF UNITED STATES PRACTICE IN INTERNATIONAL LAW 1976, pp. 75-76.

Conclusion

Although it appears that there has never been a prosecution under the Logan Act, there have been several judicial references to it, indicating that the Act has not been forgotten and that it is at least a potential point of challenge that has been used against anyone who without authority allegedly interferes in the foreign relations of the United States. There have been efforts to repeal the Act, one of the most significant occurring in the late 1970's. For example, Senator Edward Kennedy proposed in the 95th Congress to delete the Logan Act from the bill to amend the United States criminal code.⁴³ Senator James Allen insisted on reenacting the Act in exchange for promising not to prolong debate over the bill, and Senator Kennedy agreed to this. However, since the House was unable to consider the criminal reform bill in the 95th Congress, the possibility of deleting the Act in a conference committee was eliminated. It is possible, nevertheless, that the issue of whether the Logan Act should remain will be considered by another Congress.

⁴³ S. 1437, 95th Cong., 2d Sess. (1978).