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*Attorneys at Law*

## **Law Behind Resignation of National Security Adviser Has Roots in Philadelphia**

**By Michael F. Merlie**

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The Trump administration has been a wellspring of legal issues from its inception. The resignation of President Donald Trump's national security advisor, retired Lt. General Michael T. Flynn, brings an arcane criminal statute known as the Logan Act into national focus. Interestingly, the Logan Act is the result of the actions of a notable citizen of Philadelphia.

During hostilities with France in 1798, Dr. George Logan, a prominent physician and a member of the Pennsylvania legislature, went to Paris and met with officials of the French government. Dr. Logan, well known as a pacifist, engaged those officials in discussions aimed to improve the relations between France and the United States. Shortly after, tensions between the countries eased but likely for other reasons. Nevertheless, the efforts of Dr. Logan received praise in the United States.

The Federalist Party, which was then in power and for partisan reasons, objected to the alleged interference by Dr. Logan in the affairs between France and the United States. As a result, the Logan Act was quickly proposed and enacted in 1799.

The Logan Act prohibits any citizen, without authority of the United States, to directly or indirectly communicate "... with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of 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 ...."

A violation of the Logan Act is a felony punishable by a fine and/or imprisonment of not more than three (3) years.

Since its enactment, the Logan Act has been, and likely will continue to be, used primarily for political rhetoric. Nobody has ever been prosecuted under this law. Therefore, the prosecution of Mr. Flynn under the Logan Act is highly unlikely.

Its insignificance as a criminal law is highlighted by the fact that Dr. Logan was elected to the United States Senate in 1800, the year after the law bearing his name was passed.

**About Michael F. Merlie**

Michael F. Merlie concentrates his practice in the areas of finance, secured transactions (including creditors' rights) mergers, acquisitions, admiralty/maritime law, real estate law, and startup businesses. He has represented institutional, corporate, and entrepreneurial clients in a wide variety of business matters. His experience includes negotiating and documenting mergers, acquisitions, and real estate transactions. He has also represented institutional lenders in negotiating and documenting financing transactions and has developed a particular expertise in maritime financing. Mike also assists entrepreneurs in all phases of start-up organizations.

Mike is also experienced in commercial litigation and bankruptcy matters with reported decisions in both the District Court and the Bankruptcy Court of the Eastern District of Pennsylvania.

Prior to his legal career, Mike was a certified public accountant with a Big Five accounting firm in Philadelphia. He graduated from Villanova University and the Villanova University School of Law where he was a member of the Villanova Law Review.

Mike is a member of the American and Pennsylvania Bar Associations, and The Maritime Law Association of the United States. He is admitted to the Supreme Court of the United States. He is admitted to practice in Pennsylvania and New Jersey. Mike is also admitted to the Supreme Court of the United States.

Mike has served on various nonprofit boards, and currently serves on the advisory board of Archbishop John Carroll High School.

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**About Gawthrop Greenwood**

Gawthrop Greenwood, PC has offices in West Chester, PA and Wilmington, DE serving clients throughout the greater mid-Atlantic region and nation. For more than a century, the firm has stood behind its core principle of providing high-quality legal services with personal attention. Gawthrop Greenwood's diverse portfolio of clients comprises entrepreneurs, businesses, and governmental entities that entrust the firm with their representation in a wide range of matters including mergers and acquisitions, commercial litigation, estate and tax planning, land use and development, and domestic relations. A complete listing of the firm's practice areas and attorneys, as well as a variety of legal resources, can be found at [www.gawthrop.com](http://www.gawthrop.com).

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