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San Diego City Council Repeals Prohibition of “Seditious Language” *Action removes from Muni Code WWI-era law that hinders free speech*

The San Diego City Council today repealed a section of the San Diego Municipal Code that makes it unlawful to use, in the presence of others, seditious language having a tendency to create a breach of the public peace.

City Attorney Mara W. Elliott sought repeal of the century-old code section to protect the free speech rights of San Diego residents and visitors.

“Protecting citizens’ rights to peacefully protest and speak out against government has never been more important,” City Attorney Mara W. Elliott said. **“I commend the City Council for removing this antiquated Code section from our Municipal Code and for upholding the free speech rights of San Diegans.”**

Webster defines *sedition* as “the stirring up of discontent, resistance, or rebellion against the government in power.”

While the seditious language prohibition has been on the books since World War I, the City Attorney’s Office has no record of prosecuting cases citing this antiquated section. Violations of this Code section were heard as infractions at the Superior Courthouse in Kearny Mesa, commonly known as “Traffic Court,” where neither the City Attorney’s Office or the District Attorney’s Office appear.

The California Penal Code allows anyone to petition the court to seek expungement of a conviction from his or her record. While decisions regarding expungement are solely within the jurisdiction of the court, Elliott described it as “the right thing to do.”

Once the ordinance is signed by the Mayor, the City Attorney will issue a joint letter with the Public Defender to the Court informing it of the repeal. The City Attorney’s Office will also be sharing on its website instructions on how to seek expungement, specifically information about the Public Defender’s Fresh Start Process.

The law to prohibit seditious language was enacted in 1918 during World War I, reportedly to reassure patriotism by quieting dissenters of the war, according to an August 4, 2020 investigation by the Voice of San Diego. In the 102 years since the Municipal Code section was enacted, courts have found that certain prohibitions on speech infringe on the First Amendment rights of Americans.

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