

Confusing Free Speech and Sedition

By [The Moscow Times](#)

June 30, 2011

The  **Moscow Times**

The Public Chamber has a peculiar understanding of freedom of speech and the role of public discussion in a civil society.

Last week, one of the chamber's working groups — oddly enough, devoted to the "development of public discussion and civil society in the Caucasus" — suggested that lawmakers introduce a bill to prohibit politicians and other public figures from discussing in the media whether republics in the North Caucasus should separate from Russia.

The working group's chairman, television journalist Maxim Shevchenko, blamed politicians such as Liberal Democratic Party head Vladimir Zhirinovskiy for inciting separatism in the North Caucasus.

In a July 23 interview with Newsland.ru, Zhirinovskiy said: "We have different civilizations and different religions. ... Embittered and deceived, they don't want to live with us, and we don't want to live with them. ... Russia is the sow, and her baby republics will break away from her."

Shevchenko pointed to the U.S. law on sedition — presumably the Smith Act of 1940 — as a good way for Russia to crack down on what is falsely interpreted as "seditious speech."

But this is hardly the best chapter in U.S. history for Russia to emulate. The Smith Act was abused during the McCarthy era to prosecute more than 200 U.S. Communists and Trotskyists. In 1957, the Supreme Court reversed most of the previous convictions under the act. The court ruled in favor of First Amendment free speech rights and narrowed the act to apply only to cases where defendants actively organize a rebellion against the government. Although the Smith Act remains a federal law, it hasn't been used since 1961.

If Shevchenko and the Public Chamber believe Russia should use the United States as a legal standard, Zhirinovskiy's statements would clearly be protected under the First Amendment, despite his trademark theatrics and provocations in public speech. Using the U.S. standard, Zhirinovskiy's actions would be considered seditious only if he were actively aiding and abetting separatist movements in the North Caucasus to break away from Russia.

To be fair, Shevchenko and the Public Chamber working group he heads have made significant contributions in recent years in drawing attention to serious problems in the North Caucasus. They have raised public awareness of the poverty, high unemployment and human rights abuses by local and federal forces that breed extremism and separatism in the region.

But the Public Chamber's latest proposal is based on a misguided and primitive notion that if public officials are prohibited by law from talking about separatism, it will somehow go away by itself. The Public Chamber is supposed to foster public discussion, not limit it.

The views expressed in opinion pieces do not necessarily reflect the position of The Moscow Times.

Original url: <https://www.themoscowtimes.com/2011/06/30/confusing-free-speech-and-sedition-a7978>