



## The State of Free Expression in the U.S. and Abroad

Monday, June 5, 2023

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**[00:00:00] Tanaya Tauber:** Welcome to Live at the National Constitution Center, the podcast sharing live constitutional conversations and debates hosted by The Center in person and online. I'm Tanaya Tauber, the Senior Director of Town Hall Programs. In this episode, we explore the state of free expression in the United States, Russia, Zimbabwe and around the world. Joining the discussion are free speech advocates Gary Kasparov, former world chess champion, political activist and chairman of the Renew Democracy Initiative, Evan Mawarire, Zimbabwean pastor, democratic activist and director of Renew Democracy Initiative, and Suzanne Nossel, CEO of Pen America.

**[00:00:45] Tanaya Tauber:** Jeffery Rosen, President and CEO of the National Constitution Center moderates. This program was hosted live at the National Constitution Center, located just steps away from Independence Hall in Philadelphia on June 5th, 2023.

**[00:00:58] Tanaya Tauber:** It is presented in partnership with the Renew Democracy Initiative and the Center for Constitutional Design at Arizona State University's Sandra Day O'Connor College of Law. Here's Jeff to get the conversation started.

**[00:01:13] Jeffery Rosen:** Welcome to the National Constitution Center and to this evening's in person presentation of America's Town Hall. It is so wonderful to be back in person, to see all of your faces and to convene here in this significant spot with a crash of applause for the amazing tablet that is shimmering behind us. Just in the spring we brought from Washington, D.C., the words of the First Amendment that are now gracing this sacred space of American freedom and this is the first convening about the meaning of free speech under the tablet, in this space, across from Independence Hall where the Constitution and the Declaration were written and it's so meaningful to do it with you and with this extraordinary group of free speech heroes.

[00:02:06] **Speaker 3:** Thank you.

[00:02:10] **Jeffery Rosen:** Let's begin as always by reciting together the National Constitution Center's mission statement and I know you can do it by heart and our friends are listening so let's do it clearly enough so that everyone can think about these words. The National Constitution Center is the only institution in America chartered by Congress to increase awareness and understanding of the US Constitution among the American people on a non-partisan basis. Beautiful, I knew you could do it.

[00:02:42] **Jeffery Rosen:** Friends, it's so meaningful and important to bring together people of different perspectives, liberal, conservative and every other stripe imaginable for thoughtful dialogue and debate about the meaning of the Declaration of Independence and the Constitution. Leading up to 2026, the 250th birthday of America, we will spend many convenings talking about American values embodied in the words of the Declaration, equality, liberty, inalienable rights and the consent of the governed, and we'll also talk about the Constitution and the Bill of Rights.

[00:03:18] **Jeffery Rosen:** The first in the freedoms enumerated in the Bill of Rights is, of course, freedom of conscience, represented by the First Amendment, what Thomas Jefferson called the illimitable freedom of the human mind, the freedom to think as we will and to speak as we think, which the framers believed to be an unalienable right that we possess by nature of being human beings. We are created with these rights which come from God or nature, they cannot be alienated or surrendered to government and the only just governments are those that secure these rights rather than threatening them. What we're gonna do today is talk about the meaning of freedom of conscience in an international context, and by hearing the ways that it's threatened around the world, we will better understand and better be galvanized to defend it at home.

[00:04:06] **Jeffery Rosen:** So let me begin by saying how thrilled we are to present today's program with the Renew Democracy Initiative, whose partnership is invaluable, and the Center for Constitutional Design at Arizona State University's Sandra Day O'Connor College of Law, which is also just a wonderful friend.

[00:04:25] **Jeffery Rosen:** Uriel Epshtein from Renew Democracy Initiative is here as well as Carol McNamara of the Center for Constitutional Design at ASU. We're so grateful to them and also to Stefanie Lindquist at ASU for making this

great collaboration possible. And now I will introduce our extraordinary panelists and then we'll jump right in.

**[00:04:45] Jeffery Rosen:** Gary Kasparov is chairman of the Renew Democracy Initiative. Both a former world chess champion and one of the world's great free speech heroes, he is the author of books including *Winter is Coming: Why Vladimir Putin and the Enemies of the Free World Must Be Stopped*, and no one has called the attention of the free world to the urgent need to stop Putin more eloquently and powerfully than Gary Kasparov. Gary, it's an honor to welcome you back to the National Constitution Center.

**[00:05:14] Jeffery Rosen:** We're also honored to convene Evan Mawarire who is director of education at the Renew Democracy Initiative where he hosts RDI's *Front Lines of Freedom* podcast. He's the founder of the ThisFlag citizen movement in Zimbabwe, which was instrumental in unseating Robert Mugabe. He's also a Reagan-Fascell Fellow at the National Endowment for Democracy, former fellow at Stanford Center for Democracy Development and a 2020 Yale University World Fellow. Pastor Mawarire, it's wonderful to welcome you here as well.

**[00:05:47] Jeffery Rosen:** And another great free speech hero is Suzanne Nossel. She is chief executive at PEN America, she's authored *Dare to Speak: Defending Free Speech for All* and she's also a great friend of the center. Suzanne, wonderful to have you back as well.

**[00:06:08] Jeffery Rosen:** Gary Kasparov, let's just begin with the question that's posed by that powerful title of your book, *Why Vladimir Putin and the Enemies of the Free World Must Be Stopped*. You are a heroic dissident who's speech was oppressed by Putin, and you're now watching Putin's threats to speech during his invasion of Ukraine. Why, among his many autocratic, illiberal, murderous tendencies, why is it that free speech is a special value we should be concerned about Putin attacking and tell us about the ways that he attacked your free speech and others.

**[00:06:44] Gary Kasparov:** Thank you very much for bring us here, and I can start saying that I was born and raised in the Soviet Union, so I knew how life would look like without free speech, and I saw throughout my life the periods where the free speech first didn't exist, then appeared and then had disappeared again, and it reflected the political changes in Russia. So it's the, my life experience

can tell you that free speech is not accidentally chosen as a first amendment because that's always the first victim of would-be dictator.

**[00:07:19] Gary Kasparov:** The arise of Russian democracy, very unfortunately, very short rise of Russian democracy in the 90s under Boris Yeltsin was due to the fact that we had free speech. We could criticize presidents. We had maybe not fair, but free elections. And, Vladimir Putin taking over, he immediately recognized free speech as the main obstacle on his grandiose idea for building Soviet Russian Empire. His first attack, technically okay, if we talk about first attack on the ground, that was the Chechen War and many other crimes committed by KGB but institutionally, free media. In a couple of years, he dismantled the free media entities that had been built in Russia and flourished in the 90s. Again, Russian democracy was feeble, was... institutions were too weak and nascent, but they did exist because we had free speech.

**[00:08:18] Gary Kasparov:** So that's why when I saw the rise of Donald Trump in this country, I immediately, you know, just recognized the pattern and I wanted to share my experience. Never thought about me sharing my experience from Russia here in America. It's inconceivable. For many of us who were born and raised on the other side of the Iron Curtain, we always looked at America as a beacon of hope, and I thought that was a time for me and my fellow dissidents to help America by sharing our experience. That's the moment that free speech is in danger, the moment that there are other impediments that's just to prevent people from expressing themselves, you can be in great danger. And also I wanted to communicate the message that fighting democracy at home, defending democracy at home, cannot be a success without recognizing that combating authoritarianism around the world, guys like Vladimir Putin or others, and defending democracy at home, they're inseparable, and one cannot be successful without addressing the other issue.

**[00:09:18] Gary Kasparov:** We live in a world that is global and globalization means that things are connected, and for those who think that the war in Ukraine has nothing to do with freedom in America, no you're wrong. It's not surprising that those who are challenging free speech in America, they are somehow, directly or indirectly, willing to assist Vladimir Putin's clandestine global agenda.

**[00:09:40] Jeffery Rosen:** Such a powerful challenge to this audience. Defending free speech at home requires defending it abroad, and we will delve into that crucial connection later. Pastor, you just gave a graduation address I think at

Georgetown where you said how wonderful to be in a land where dissent is possible. Tell us about the context for that, in particular the story of your remarkable arrest and repression and fighting back in Zimbabwe and what it can teach our audience.

**[00:10:08] Evan Mawarire:** Well thank you Jeff. A huge honor to be here with you and just kind of speak about this very important aspect of the US Constitution, but really what citizens of many countries are longing for, and for many of us go without the ability to speak freely and to challenge the status quo, especially the status quo as set by the government of the day.

**[00:10:35] Evan Mawarire:** So I'm from Zimbabwe and we, I began a citizen's movement pretty much by accident. Zimbabwe's been through multiple collapses both economically and socially. Give you a good example, in 2008, our economy crashed so badly that we ended up with a 100 trillion dollar note as the largest bank note, and at the height of inflation, which was growing at 286 million percent, that 100 trillion dollar note was not enough to buy a loaf of bread. So this is a country that ended up in that situation because the government and people that were in government literally looted the country. So it became illegal to challenge the dictatorship concerning that collapse.

**[00:11:22] Evan Mawarire:** My parents who were in their late 60s had saved up a little bit as their retirement and had retired and at the height of inflation, Jeff, in seven days they went from having about \$80,000 in the bank to having 25 cents left in the bank and again, to speak up about that was, and still is, illegal in Zimbabwe. So we built a citizen's movement over four years. I was arrested eight times in the space of four years and was locked up in a maximum security prison for that. But it is that experience for me when we stood up as ordinary people and gathered ourselves and looked at our constitution and found out that it gives us the right to challenge government. It was at that point that we became more emboldened to teach and to train other citizens how to speak truth to power. That still remains a crime and so to see this inscription on the back, when I came here today, it's my first time here, I stood at the back there and read it about four times and just marveled at how intentionally crafted it is to be able to empower the citizen of this country to participate in their governance and to hold those who are in power to account.

**[00:12:42] Evan Mawarire:** Now talking about what happened at Georgetown University, two weeks ago I was humbled to speak at the commencement, and just

before I spoke, the students who were graduating had just protested against one of the speakers who had spoken at the event. And it was a pretty awkward moment, as you can imagine, to then try and give an inspirational speech after this kind of moment that has happened. Parents don't understand what's happening, and students are also quite buzzed about what they've just done. And I'd gone up there and I said, "Before I speak, I want to acknowledge the miracle of what has just happened here, because where I come from, if students would have protested like that, two things would be certain. Number one, you would not graduate and number two, you would be going not home, but straight to prison. And so I want to congratulate the students for protesting because they have done what a free nation allows, to protest."

**[00:13:42] Evan Mawarire:** But then equally I turned to the university and I said, "I also want to thank the university that recognizes this right and respects it because where I come from, that would have been completely disallowed." And at the same time, the young lady who was protested against for speaking, I also said to her that, "I want to congratulate you for having the bravery to know that in a free society and a free nation, this is how democracy is dispensed." And that statement for me comes from the work I do at Renew Democracy Initiative which is to bring our front lines of freedom dissidence together, the ones that Gary was talking about. We have over 120 democracy defenders and freedom fighters from around the world who are part of the frontlines of freedom.

**[00:14:29] Evan Mawarire:** Each of us live in exile now mostly. They're journalists, they're lawyers, they're movement builders like myself, who have stood up against different autocrats, and we try to speak to American audiences about number one, what your democracy means to people like us as an example. We admire it. We see it and we long for it for where we come from. And so we also then try to get the citizens of this nation to understand why this democracy's invaluable to you with its cracks because there is no democracy that does not have challenges.

**[00:15:07] Evan Mawarire:** And we say with its challenges protect it because there's few like this that are left across the world. So that's what we do with Frontlines of Freedom is trying our best to, almost if I can use the word, break past partisan shields, we all have partisan shields, yes? And to try and say, "Hey, we get it, what you're concerned about, but I want to let you know that what you have, what you've had for so long is what we long to have. We fight for it, therefore we

urge you not to lose it so that the citizens of the world still have something that they can look to to copy for their own regions back home."

**[00:15:44] Jeffery Rosen:** That is so inspiring to hear you talk so eloquently about being inspired by the text of the First Amendment itself and looking at it and reading it and holding it up, as you just said, as an inspiration for people who are fighting for freedom around the world. If I can, it's so meaningful to be talking about free speech in this space, across from where the First Amendment was drafted and let us now, if you will, just gaze on Independence Hall and think about those people drafting the words of the First Amendment and fighting for freedom, protesting against the king and then thinking of these words here and just feeling the light beaming between these two spaces to inspire ourselves for the rest of this discussion.

**[00:16:29] Jeffery Rosen:** It's such an honor to be in this space and to feel that light. Suzanne Nossel, PEN has just issued a really important report about repression of writers and authors around the world. It's a daunting report which in a granular way talks about the volume of repression and the different ways it's being exercised around the world, including with what you call the long arm of authoritarianism where authoritarian regimes are chasing dissidents in free societies to try to further their oppression. Tell us about that report and what we can learn from it.

**[00:17:03] Suzanne Nossel:** Yeah sure, well thank you for having me and it's great to be part of this panel and discussion about the connections between free speech here in the United States and around the world. Our report, we call the Freedom to Write Index and we do an annual count each year of the writers who are imprisoned around the world. This year in 2022, we counted 311, that's on top of another more than 500 writers around the world who may not be in prison but they've been prosecuted or persecuted, hounded in some way over the last year because of the crime of expressing themselves. We saw the biggest spike in 2022 in Iran, not surprisingly. A lot of women writers, writers who are talking about the protests, participating in the protests, being rounded up and imprisoned. We just gave an award last week to Narges Mohammadi who's a leading women's rights defender and dissident. She spent her whole adult life in and out of prison. She has 16 year old twins who she hasn't been able to touch for I think seven years and has only talked to episodically since they've become teenagers.

**[00:18:19] Suzanne Nossel:** And her husband came to receive the award and just spoke about what it is like for those who are on the front lines, so courageous. She's organizing in prison, educating other women, she wrote a book about the horrors of solitary confinement, so she's taking every minute even under the most repressed conditions to express herself, to break through, to challenge herself. She smuggled out a message to deliver to us on the occasion of this award, and people like that for us are inspiring. They're a reminder of why we do the work that we do, and we're seeing now around the world increasing protean and innovative tactics of repression, surveillance that can, unbeknownst to you, you don't have to click on anything or open up anything. It can take over your phone and drain every message that you're sending, every website that you look at and provide that to a security service and that capability has been rolled out around the globe. United States is now trying to rein it in. They can barely even rein it in when it comes to our own national security services.

**[00:19:40] Suzanne Nossel:** And so for those who are taking the risks of challenging these governments, that work has become much more dangerous. I think at the same time, you know, we are part of an international organization known as PEN with centers in more than 100 countries around the world, and the whole premise of it is the very kind of solidarity that Evan is talking about. It's the idea that writers who are free to express themselves have a kind of duty to use their voice to speak out on behalf of others and so that those who are in the most difficult and perilous situations know that at least they're not going to be alone, that they won't be forgotten, that if they take risks we will advocate on their behalf, we will demand their freedom, we will rally writers and artists who have international profiles and can make these names known and put pressure on governments to release them.

**[00:20:38] Suzanne Nossel:** And so that's the premise of our organization, but as the American branch of PEN, of course we have a special responsibility when it comes to defense of free speech in our own country and I think you, Evan, very eloquently talked about just how important our own freedoms and constitutional values are here, not just because of the society that they enable for all of us, but also because of what they represent around the world, and so for us it's become extremely important to take on what we see as new and intensifying threats to free speech in our own country, and we recognize a kind of unmooring of free speech on both the right and the left and it takes on different forms. It can be informal censoriousness and outrage culture that takes certain topics of discussion almost off the table because if you dare mention them, what you're gonna get in response may be vilification threats, intimidation and it's effecting our college campuses, it's



affecting the media, it's affecting corporations and they're pressing issues that we need to be able to talk about as a society.

**[00:21:52] Suzanne Nossel:** We need to be able to talk about racial justice, we need to be able to talk about gender. We need to be able to talk about Israel Palestine. We can't take these things off limits. On the other side, we see a really unprecedented pattern of book banning and legislative prohibitions on what can be taught and studied in American classrooms and these are, you know, tactics... when I came to PEN, I thought gosh, organization still works on book bans. That seems so kind of old fashioned to me. I didn't realize anybody was banning books anywhere. It's now become a pretty ferocious national trend where we've documented more than 4000 books banned over the last year.

**[00:22:34] Suzanne Nossel:** And no ma- even if you feel like some things are going wrong in classrooms or that certain discussions have gone too far or maybe we ought to pull back how we're treating certain issues, the resort to bans and legislation, to me, if we look at what's behind us on this plaque, cannot be the right answer. We need to be able to grapple with these difficult ideas and send our children the message that books are not dangerous. They don't need to be afraid of books. That their teachers and librarians and school administrators shouldn't be intimidated, that we need in order to cultivate a democratic citizenry an atmosphere of openness to all people, to all ideas, even those that are difficult and that may make us uncomfortable. So to me there's a very powerful link between what we're trying to address here in our own country and the work we do around the world.

**[00:23:32] Jeffery Rosen:** Thank you so much for giving us a sense of PEN's work abroad and for distinguishing between the threats to free speech at home ranging from illiberal censoriousness and canceling on the left to book banning on the right. Gary Kasparov, give us a sense of the ways that free speech is threatened in authoritarian regimes like Russia and elsewhere. You talked about how Putin went after the free media to consolidate his power. It may seem obvious but I think it's important for all of us to hear you talk about the ways that it's threatened, ranging from laws making it a crime to criticize the government, to extralegal murdering your opponents, to informal self censorship. Help us understand the way that free speech is threatened.

**[00:24:23] Gary Kasparov:** Free speech is not threatened in Russia, it's banned. If you go in jail for a Tweet for two years or one recent cases, nine years for Facebook post and that's what we know, and we have thousands of political

prisoners, many of them just in prison for expressing their views on social media. So there's no threat anymore. So, I heard from my Turkish friends a joke about an inmate asking a book in a prison library and the director says, "No, we have no book, but we have an author." [laughs] So it's very difficult here in America, sitting in this great hall, you know, we look at the building where the greatest foundation of democracy have been built ever and to imagine that there are many countries, actually 65% of people on this planet, they live in... and that's if you count India as a democracy, by the way, then still 65% of people on this planet, they don't have access to even fraction of the freedoms that are available in the United States.

**[00:25:39] Gary Kasparov:** And, freedom of speech is always the first victim, the first target of every would be dictator. That's how it starts, whether it's Nazi Germany, whether it's Bolsheviks' Russia, whether it's Putin's or China, anywhere. The moment you see an attack on the free speech you know that, that's what comes next. They start with the free speech, they start with the spread of information and they end up with putting people in jail for trying just to speak their mind. By the way, I couldn't miss this opportunity just to extend a story that my friend Evan just told you about. His commencement speech in Georgetown University. There's one important addition about the person who's appearance caused this protest. It's not a simple story, it's not a len-

**[00:26:33] Suzanne Nossel:** Who, who was it?

**[00:26:35] Gary Kasparov:** She was daughter of Alexei Navalny, Daria Navalnaya.

**[00:26:38] Suzanne Nossel:** Oh.

**[00:26:39] Gary Kasparov:** Alexei Navalny's pro- arguably the most famous political prisoner now in the world, but many of his statements regarding Russian imperial politics have been enraged people living in the former Soviet Republic, especially Ukrainians, and those who live in the Republic of Georgia. And the students from these two countries protested her appearance because of this very, say, diminishing comments about Crimea and about Russian occupation of some parts of Georgia. Navalny said them years ago and there are indications he reversed his positions, but again, it's free speech.

**[00:27:18] Gary Kasparov:** So they made this protest because they thought it would be inappropriate and it's a very, it's... the war in Ukraine actually put many

individuals and organizations in a very... it's a slippery ground because you know that you have to protect the freedom of speech but you also have to take in account emotions. Yeah you, PEN America was recently, you know under the same attack about not, about deciding not to have Russians on the panel with Ukrainians, which by the way I support.

**[00:27:51] Suzanne Nossel:** Well, yeah, it was a little different in that-

**[00:27:54] Gary Kasparov:** Okay.

**[00:27:54] Suzanne Nossel:** I'll explain it since you brought it up.

**[00:27:56] Gary Kasparov:** Yeah.

**[00:27:56] Suzanne Nossel:** So we had a situation at PEN America, we do an annual World Voice's festival where we bring in writers from all over the world to be in dialogue with American writers on a whole range of topics and we, I had been in Ukraine in December of last year and I was talking to some of my colleagues at PEN Ukraine, which is an organization we partnered with closely, and they were telling me about Russian authors, members of PEN Ukraine who were fighting on the front lines and I thought wow, it would be interesting to get them here to the United States to talk to people like Phil Klay, and Elliot Ackerman, American soldier writers.

**[00:28:31] Suzanne Nossel:** So we arranged for that and planned an event and they told us they couldn't be at an event with Russians in dialogue, which we knew. I mean, we had talked to Ukrainians enough to understand that this was not something they were prepared to do, but we had scheduled a separate event as part of the festival with a couple of a group of Russian exile journalists and a historian that we had actually helped bring to the United States when they were forced out of Russia after the war. They came here as part of a project we're doing to archive Russian independent media as it becomes very vulnerable.

**[00:29:09] Suzanne Nossel:** At any case, so we had these two events planned as part of our festival but when the Ukrainians arrived in New York they said, "Well, actually what we meant is we can't be in a festival with any Russians. You know, that is not possible for us. You know, if we try to go back to Ukraine as soldiers we really could be in a very dangerous situation." So we had a real dilemma on our hands. It was very difficult because we wanted to give voice to all of these

different perspectives separately and that was not possible and in the end, the Russian writers decided they would cancel their event, that they didn't wanna go forward with their event. It was while we were still trying to problem solve. So they pulled out and I think that did not feel great.

**[00:29:55] Suzanne Nossel:** And you know, it didn't feel great for us either but it was illustrative of just how free speech and dialogue can be compromised in these very difficult circumstances.

**[00:30:06] Jeffery Rosen:** Powerful story. Thanks for telling it. Pastor I think you were being modest, but I think telling your story in some detail what you were arrested for, what the consequences were, how after your release Zimbabwe passed a further sedition law and what the situation is today would help our audience understand the threat.

**[00:30:28] Evan Mawarire:** Well when we, you know, when I began the movement, and I've always said that the journey chose me, I didn't choose it, but at the same time it had to choose someone because we'd lived in Zimbabwe without participating in our democracy for so long that we had become quite used to sitting on the sidelines and doing nothing about what was happening in the country and so we reached a point, and I believe we still are at that point, where it has become necessary for people who are not in public office, who do not have any form of power except to be a citizen of that country, to now show up and exercise the power that their constitution actually gives them.

**[00:31:15] Evan Mawarire:** And so when we began this journey, the accusation for mobilizing citizens to ask for answers and to seek accountability and to look for a better way of governance, the accusation for doing that is that I was attempting to overthrow a constitutionally elected government, so I was charged with treason and I was facing 20 years in prison for that. That charge was then multiplied three times which meant that I was facing 80 years in prison on subsequent arrests. And like I said, the arrests and being held in incarceration, you know, it's not a luxury facility as you might imagine in Zimbabwe. Chikurubi Maximum Prison is a horribly inhospitable prison to be held in.

**[00:32:07] Evan Mawarire:** And, it was meeting some of the prisoners who spoke about wanting to be free, not just from the prison, and I'm talking about actual criminals who spoke to me about the fact that they wanted their children whom they'd left outside to live in a better country than they were in now and that the way

that they would contribute towards the struggle that people like myself and other citizens were fighting for was that they would look after me after torture sessions whilst I was in prison.

**[00:32:40] Evan Mawarire:** And that moved me deeply. You have no idea. To see men who have no hope for freedom say, "We want to play our part by making sure that you are stronger when you leave this prison than when you come in." and so when I left that prison on one of the arrests we continued the work because of that encouragement from these men I met in the prison.

**[00:33:05] Evan Mawarire:** One of the things we did is that we inspired a protest which surprisingly to us was able to mobilize 12 of the 14 million people in our country. Essentially what we did is we shut the country down. We said that if we would not be allowed to speak truth to power or speak up, then what we will do is bring the entire country to silence ourselves. We chose one day that we would shut the country down where we asked people not to go to work, not to take their children to school, not to go out on the street or go to the market or the supermarket and essentially bring the entire country to a complete standstill so that people understand what it means to have no freedom, that it is exactly the same as the way we have been living. And to our surprise, that succeeded beyond our wildest imaginations.

**[00:33:56] Evan Mawarire:** And I'm talking here about nameless citizens, myself, people who nobody knew who showed up and said we need to do something about this. And so that journey continued and by the end of 2017, believe it or not, we were part of a very large protest that actually then demanded the resignation of Robert Mugabe and we saw him step down.

**[00:34:19] Evan Mawarire:** He was 93 years old when he stepped down. He had been in power for 38 years and had rigged elections. He lost the election in 2008 and simply refused to go. So they counted the votes, they said, "We lost the election but I'm not going anywhere. [laughs] I'm going to stay in power." So this is the extent to which we had been involved in Zimbabwe and I... the excitement for me is that even with the new dictatorship that is in Zimbabwe, and that's such an unfortunate statement to have to say after all of that work, but even with the new dictatorship with Zimbabwe, what we have seen now is a much larger participation of citizens and people in Zimbabwe who step up, who speak truth to power, who want to exercise the rights, particularly the right to free speech that our

constitution gives us and who also want to tell the rest of the world about what is happening in Zimbabwe.

**[00:35:13] Evan Mawarire:** What Suzanne was talking about, the solidarity earlier on, I was saying to her PEN America actually wrote in solidarity with one of our Zimbabwean citizens who is a major international author. And she was arrested for speaking truth to power and they locked her in prison, charged her and ended up convicting her. And PEN America wrote a statement to say that what has been done to her is wrong.

**[00:35:39] Evan Mawarire:** So I think that's been kind of the journey that we have walked. And my last arrest was with the new dictatorship in 2019 when they began to destroy the country again and I spoke up and said, "This is wrong. We can't keep doing this to successive generations of people." I... believe it or not, I ended up right back in that maximum security prison where I was in 2016 and at that point realized that this was no longer about just us doing our part, but we have to raise another generation of people that understand the value of things like these and that they should not exist as inscriptions on walls or just as exhibitions in museums, that they must be activated and animated by citizens who care.

**[00:36:34] Evan Mawarire:** Freedom is not a phrase, it's people in action. That's what freedom is.

**[00:36:42] Jeffery Rosen:** I'm moved to applaud because you so powerfully and in such an inspiring way articulate the reason that we must learn about these freedoms so that we're inspired to defend them and so they live in our hearts and minds. Gary Kasparov, you said you want people to know about oppression abroad so they will defend freedom here in the US and say more about how that works. You said what the Pastor just said about recognizing its value when you see it oppressed. Is it the danger of the slippery slope where if we don't object to incremental threats on free speech we risk losing them or why concretely is it important to learn about free speech oppression abroad?

**[00:37:34] Gary Kasparov:** Recognizing the value is the first step, but you have to act. You have to be engaged and that's something that people born and raised in the free environment like here almost take for granted. Democracy, it was here all the time, so there's no threat. No, no, no, every generation has a new challenge and we're seeing it now in America. So the fundamental things like a peaceful transfer of power are now being in question and just for a moment going back to what was

the story with PEN and Russians, the problem with many Ukrainians, and I speak as a Russian citizen, so I know how painful the issue is. It's not that Russians oppose the war, yeah many, many Russians do not like the war, but it's not enough to recognize the value. It's about taking part in actively opposing it and saying it.

**[00:38:27] Gary Kasparov:** As I say, every Russian has to go through simple test. You know, in five seconds you have to say without stuttering, the war is criminal, regime is illegitimate, Crimea is Ukraine. Say it and then you can be reinvited to the family of civilized nations.

**[00:38:45] Gary Kasparov:** The problem with the Russians that have been attacked by the Ukrainians is that they belong to the silent majority of Russian intellectuals. That in theory they are against the war, they know Putin is a bad guy, but they don't want to say those magic words, including Crimea is Ukraine. And, that's a problem. Same as here, same as elsewhere. It's about our engagement. Recognizing evil is not enough. Acting against evil, especially taking risk, personal risk, that's the story and that's the story of Evan. That's why it's so appealing.

**[00:39:17] Gary Kasparov:** And that's the story of dozens and dozens of other dissidents. That's why we want to show this example, because fighting for democracy around the globe from North Korea to Venezuela, from Belarus to Zimbabwe, it's quite different from fighting for democracy here.

**[00:39:33] Gary Kasparov:** But you have so many opportunities to fight and you'll often hear, especially from young people, all right, I see very few of them in this audience. So, oh, what can we do? It's just, it's none of our business. We complain. What the heck you talking about? You complain, you can do things, you can vote.

**[00:39:53] Gary Kasparov:** People literally die for rights to vote. They just, they believe that this is something sacred, that to sacrifice their lives and here how many people do not vote? Millions and millions and millions. So you always see oh, the election has been decided now by tens of thousands of votes in a few states. Which means that just a couple of college campuses voting and you can just shift it to another side.

**[00:40:21] Gary Kasparov:** Oh no, no, no, just it's too lazy. Lazy what? You know, just walk from your apartment and to the polling station. In many states you can vote by just pushing a button on your computer. Again, people are literally

willing to die for this right, definitely in my country and in many other countries in Zimbabwe.

**[00:40:37] Gary Kasparov:** So I think that what we have to communicate is that, again, it's, you have personal responsibility to protect democracy and your rights for freedom of expression and the rights that you inherited from your forebearers, your duty. It's mandatory to secure these rights and to pass them on to next generations.

**[00:41:01] Jeffery Rosen:** Wow, your duty in order to secure these rights, those words from the declaration, and pass them on. We must actively defend them. Just to understand what I'm, what you're asking of our, of Americans and of people abroad. You and Pastor Mawarire are heroes, you both threatened to give your lives for your principles. Are you saying the people in Russia, for example, for today should be similarly heroic in standing up to the regime?

**[00:41:26] Gary Kasparov:** It's painful for me to recognize that Russia today is more like Nazi Germany of 1943-1944. Whatever you think about the war, you are just, you know, you're under the oppressive machine that makes any kind of protest virtually impossible. Unfortunately before we go through our 1945 moment, the total destruction of Putin military machine in Ukraine, we will not see another window of opportunity for Russia to return our country to Euro-Atlantic geopolitical space.

**[00:42:02] Gary Kasparov:** Again, it's tough to say but people that, the groups I'm working with, the Russian, my compatriots in exile, we always say that our motto today is victory for Ukraine, freedom for Russia because without Ukrainian's victory and full liberation of their country, including Crimea, without reparations being paid and without war criminals brought to justice, there will be no chance for Russia.

**[00:42:27] Gary Kasparov:** But also, it will send the wrong message to other dictators. Putin is... jokingly I always called him the chairman of the trade union of dictators. But there are many others and the outcome of battle in Ukraine, the outcome of Ukraine war will have tremendous impact across the globe, one way or another. It's a never ending battle between freedom and tyranny and any concession to a dictator, an aggressor, will be felt around the world because it will embolden dictators to look for opportunities to extend their power and to the contrary and the opposite is also correct.



**[00:43:17] Gary Kasparov:** The victory for Ukraine will send a message to all the dictators that their days are numbered. All of them will tremble and that's why I believe that is my duty as a Russian patriot to help Ukraine winning the war and and that's why we just, we try whatever is humanly possible to lobby Americans and Europeans to make sure that all necessary weapons will be sent to Ukraine to help them winning this war, which is again it's not just war to restore Ukraine to interior integrity. It's a war to protect the world where the rule of law is dominate.

**[00:43:51] Gary Kasparov:** This is, it's prevent us from going back to the world where might was right. So it's where we live, and that's why I think that's beating Vladimir Putin and destroy his military machine and eventually dismantling his regime in Russia, it's opportunity not only for my country, but for the rest of the unfree world to change their direction.

**[00:44:24] Jeffery Rosen:** Lots of great questions from you and from our friends who are watching on Zoom, and Suzanne many have to do with what we can learn from abroad about free speech at home, what cracks in the veneer do we see that are the harbingers of oppression of free speech and concrete, 'cause PEN both studies oppression abroad and at home and the free speech cultures are so different. What are relevant standards that you're focusing on? For example, the incitement standard can be used in a liberal regime to ban any speech critical of the government as a form of incitement to violence whereas in the US we define incitement as being intended to and likely to cause imminent violence. So what are some comparisons in that regard?

**[00:45:19] Suzanne Nossel:** Yeah, sure just to say briefly in response to Gary, I think in the case of these Russians, you know, that they were very firmly on record as far as their views. I actually don't think it was personal to their views. I think it, it was a categorical view on the Ukrainian side that under these circumstances... and they were quite clear with us, it was not personal. They knew these Russians were dissidents and independent journalists and had been outspoken. But to turn to your question, yes, there are differences between how we protect free speech here in the United States and how it's done around the world.

**[00:45:54] Suzanne Nossel:** We have the most protective standard in our constitution, and incitement is an area where you really see the distinction. We have this very narrow definition of incitement where it's only intentional incitement to imminent violence whereas around the world and in international law there is recognition of a broader conception of incitement. You can have things

like incitement to discrimination, or incitement to hatred, and the position that we take traditionally in the United States is that that's dangerous because really what is incitement to discrimination? If we're talking about the characteristics of a particular group and there's something critical that's said, could that be construed as incitement to hatred or discrimination, and if so, then we can't talk about it anymore. That we could be vulnerable if we even have that conversation.

**[00:46:46] Suzanne Nossel:** And we see instances where those broader provisions are used to shut down discussion, whether it's on a topic like racial discrimination or tensions between a minority group in Europe or issues that arise in relation to refugee populations, that even talking about these questions in some instances is construed as incitement to discrimination and hatred, and so the view from the United States is that that's overly restrictive. And I think it's an important peg to stand on.

**[00:47:20] Suzanne Nossel:** When I was in government serving in the Obama administration we, one of the things I was involved in, one of the initiatives was fending off an effort to ban the defamation of religion, so the idea that things like those famous Muslim cartoons that depicted the Prophet Muhammad, that those were a form of incitement, that they were hateful speech and that they should be banned under international law.

**[00:47:47] Suzanne Nossel:** And it was a big debate between the western countries and the Islamic conference and one of the strongest arguments we had as the United States, they brought up, well, in much of Europe, Holocaust denial is banned and so if you ban Holocaust denial in order to protect against the stoking of hatred against Jews, why can't you ban the defamation of religion because that may stoke hatred against Muslims. And we were actually in a very strong position to be able to say here in our own country under the First Amendment, we don't ban Holocaust denial.

**[00:48:20] Jeffery Rosen:** Hm.

**[00:48:21] Suzanne Nossel:** You know, we may refute it, we rebut it, we debate it, we don't embrace it, but we don't ban it and so therefore we can't accept a ban on the defamation of religion and overtime we actually made an overture to the Islamic countries to say you know, we recognize what you're really concerned about is discriminatory attitudes and Islamophobia around the world. How 'bout we come together around an affirmative agenda to do the kinds of things that we've

seen in our own country and in other parts of the world that actually help to mitigate those attitudes and to foster tolerance? Things like interfaith dialogue, prosecuting hate crimes, elevating education and encounters between people from different groups so that that hatred begins to dissipate and actually overtime it worked and they abandoned their quest to seek out an international treaty banning the defamation of religion and we were able to come together around this affirmative agenda and that consensus has endured now for about 15 years.

**[00:49:22] Suzanne Nossel:** So to me it sort of signifies that some of these very fundamental differences can be bridged and also that freedom of expression is so universal and you know, we do work with young people at PEN America increasingly because we're so worried about free speech losing its grounding as an American value and what we find is that when you tell people about these stories from around the world, people like Evan, people like Gary, what they went through, what they suffered, their bravery, their courage, their willingness to step out, young people are inspired. Free speech has its power, it has its hold. We shouldn't lose sight of that. We are not often educating people, young people, we're not exposing them. We've sort of paired back civics in favor of STEM, and we need to reinject a dose of inspiration and excitement and recognition of the power of the First Amendment and free speech.

**[00:50:27] Jeffery Rosen:** There are a series of questions about AI and free speech. Does AI threaten free expression? When can lies be punished in AI? What limits can we put on free speech when the speech is totally based on lies? Unless you wanna jump in Pastor, I'll save it. Tomorrow on the We The People Podcast we're going to record an episode on exactly this question with two great experts, Eugene Volokh and Lyriisa Lidsky. Usually to punish lies they have to both cause harm, like as in defamation, and also be intentional. But an AI can't have intent because an AI has no reason.

**[00:51:04] Jeffery Rosen:** And Marc Rotenberg, the head of the great AI policy think tank in Washington, is here and has challenged me and others to ask whether we can, or should, protect speech that's based on machines without reason. It's just, the mind reels when you think of standing in front of this tablet, a monument to the shining power of reason and how it's being challenged by it. Anyway, tomorrow on the We The People Podcast I'll learn a lot and I'll be able to answer the question better after I hear from our experts.

**[00:51:36] Gary Kasparov:** You know, you mentioned AI, so how could I stay silent?

**[00:51:40] Jeffery Rosen:** [laughs]

**[00:51:41] Gary Kasparov:** Yeah, I, it's so funny, you know people are surprised that I'm just being the first [inaudible 00:53:38] worker to have his job threatened by machine.

**[00:51:50] Jeffery Rosen:** [laughs]

**[00:51:50] Gary Kasparov:** Yes, turned to be a great advocate for human machine collaboration. And for those who are trying to scare us about these images of this dark future, machines domination, us being redundant, terminator, matrix, I always say that AI is not a harbinger of utopia or dystopia. It's not a magic wand but is not a terminator. It's a tool created by us, humans.

**[00:52:15] Gary Kasparov:** And let's not forget a simple fact, we humans still have monopoly for evil. That's why the, when I hear stories about AI ethics, it's nonsense. AI ethics, it's based on patterns and if we have ills in our society or in our history, it will look at these numbers and will come up with results that reflect our weaknesses, our wrongdoings. It's like complaining about the mirror. You don't like what you see there?

**[00:52:44] Gary Kasparov:** Okay, you can distort the mirror, or you can work on your body. Of course the former is easier, but it's not going to give you an objective picture. So that's why I think we should just recognize this fact and I agree with my friend Marc. So it's talking about AI helping us and AI being ethical is shifting responsibilities.

**[00:53:08] Jeffery Rosen:** Hm. So powerful. Here, we're talking about conscience and we're talking about the capacity for evil and the capacity to choose good and I, just in this space, think of Jefferson saying the illimitable freedom of the human mind can tolerate any error as long as reason is free to combat it and to imagine a world where intelligence, the mimicry of intelligence has no reason, challenges the entire reasons for protecting free speech in the first place because if we're learning from this discussion about why we protect free speech abroad and at home, all of these justifications are based on the power of reasoning minds to choose well or ill and without that power we have a totally different framework.

**[00:53:55] Jeffery Rosen:** Pastor, lots of questions asking for inspiration and you've been so inspiring about what we can do, both examples of great dissidence in history, what can we do at home and abroad to protect free speech and how is it possible to protect free speech in authoritarian countries the question asks, how do you create a norm in free speech where one doesn't exist, for example in India and abroad? So give some wisdom to our audience.

**[00:54:23] Evan Mawarire:** Well, let me give you a quick example from the past weekend with my children. We were having a conversation about hand me downs because we're about to have a hand me down moment and you know, nobody wants a hand me down, everybody wants brand new. And I said to one of my daughters "You get it from your sister and make it yours. You make it new for you." Okay? And, when you're talking about what do we do, what do we do, right, as a generation that's coming after our generation that's gonna have to handle this democracy, so democracy is best handed down worn, not brand new. You've gotta give your children a democracy that has scuff marks on it. There has to have been signs for a fight for it. That's the best democracy because it survived the fight so it's a strong one.

**[00:55:27] Evan Mawarire:** And then when they get it with those scuff marks, they make it new for themselves. We have a generation in this country that is watching the older generation wear democracy and they're gonna have to wear it after you. They're gonna wear it their own way. So you gotta make sure the way you wear it today is the way that they will follow and make it even better and make it new for themselves.

**[00:55:53] Evan Mawarire:** And I love it, this is why at RDI we're called Renew Democracy Initiative. I've gotta give a shout out to our executive director Uriel Epshtein, I saw him somewhere over there. Uri just raise up your hand, right over there at the back. If you've got any hard questions about RDI, you don't talk to me, you can talk to Uriel after we're done.

**[00:56:11] Evan Mawarire:** But the idea behind Renew Democracy Initiative is to say to the current crop of citizens we have an opportunity here to handle this democracy. As long as we don't break it and tear it, let's wear it. Let's use it. Let's have debates, left and right, and allow each other to have debates and still get up from our debates and say, "I'm glad that you're my fellow citizen. I'm glad I have somebody I can have a robust debate with." And I'll end by saying this, Jeff, what has broken my heart the most in the United States, if you'll allow me to speak

freely and it chokes me up a little bit, is when I sit around dinner tables with families in New England and in Pennsylvania and families break because they don't agree about the politics of the country.

**[00:57:13] Evan Mawarire:** The fact that a generation of parents cannot look at their children and say, "You see differently from me, I see it differently from you. Sure glad that you're my son or you're my daughter and you're gonna carry this forward in your own special way." That, folks, is how you lose your nation, when we fail to hand down this democracy that was handed down to you, worn. Don't break it, wear it and then hand it over so that they can make it new for themselves in their own way. That's how this country will remain an inspiration for people like me and for many people who have never had a taste of freedom.

**[00:58:00] Evan Mawarire:** Freedom is not something that we have, it's something we do.

**[00:58:15] Jeffery Rosen:** Friends, the Pastor has said it so well, freedom is not something we have, it's something we do, and the urgent importance of bringing together citizens of different perspectives so they can learn to disagree without being disagreeable, to open their minds to arguments on the other side and exercising their freedom of conscience and speech can reason together to protect our democracy is something that we will do in this space in the coming years. It's so marvelous to be here in the path of Independence Hall, and this is just the first of a series of discussions.

**[00:58:51] Jeffery Rosen:** The next is on September 13th when we'll gather here for a national teach in on the First Amendment to open the new Gallery of the First Amendment which is gonna open in the core at the beginning of September. It's the first intervention in our core exhibit since we opened and there you will see sacred artifacts of freedom like Justice Brandeis' notes for his opinion in *Whitney vs. California* or Mary Beth Tinker's armband or other crucial artifacts of freedom. It's gonna be so exciting, we'll open it here and then we'll just continue to convene and debate and learn from each other. This has been an inspiring kick off to this great series. So grateful to all of our panelists. Please join me in thanking them.

**[00:59:46] Tanaya Tauber:** This episode was produced by John Guerra, Lana Ulrich, Bill Pollock and me, Tanaya Tauber. It was engineered by the National Constitution Center's AV team. Research was provided by Colin Thibault and Lana Ulrich. Check out our full lineup of exciting programs and register to join us

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