

# Opinion

**The Columbus Dispatch**  
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## Forget about 'Ministry of Truth'

Media, voters can sort out political lies

It's hard to work up much sympathy on behalf of the local and state candidates who phoned the Ohio Elections Commission during the primary season to ask for help in labeling their opponents as liars, only to be told that government — based on a 2014 court order and the First Amendment — has regrettably shut down its Ministry of Truth.

If that description sounds like something out of Orwell's 1984, it is because Ohio law had, in fact, set up the Elections Commission for decades as the arbiter of truth, able to determine who could be charged with a crime for telling "lies" about a political opponent. This had the obvious constitutional problem of creating restrictions on free speech, chilling the most important of all free speech — political speech.

"We can all agree that lies are bad," U.S. District Court Judge Timothy S. Black wrote in striking down Ohio's false-statements law. "The problem is, at least with respect to some political speech, that there is no clear way to determine whether a political statement is a lie or the truth, and we certainly do not want the government deciding what is political truth."

That ruling left some candidates bereft. Phil Richter, executive director of the Elections Commission, got a regular stream of calls from primary candidates who wished to pursue false-advertising claims; he had to respond that the commission no longer is hearing such cases.

This isn't a huge loss. The filing of these complaints can be used as a political tactic. Accuse the opponent of lying, demand action from the commission, and let headlines paint the opponent in a bad light. Regardless of whether the accusation later was revealed as false, the damage was done.

Of course, candidates truly smeared also lost a resource, but not a tremendous one; the commission rarely pursued criminal charges and voters were free to dismiss its conclusions about whether a candidate was lying based on their own hunches and political predilections. Further, the cure for false speech isn't less speech, but more speech. Candidates can rebut falsehoods. And false claims are debunked rapidly by the media and other fact-checking organizations.

Nevertheless, Richter and state Rep. Nicholas Celebrezze, D-Parma, now wish to see if legislators might reinstate a constitutional recourse against false ads.

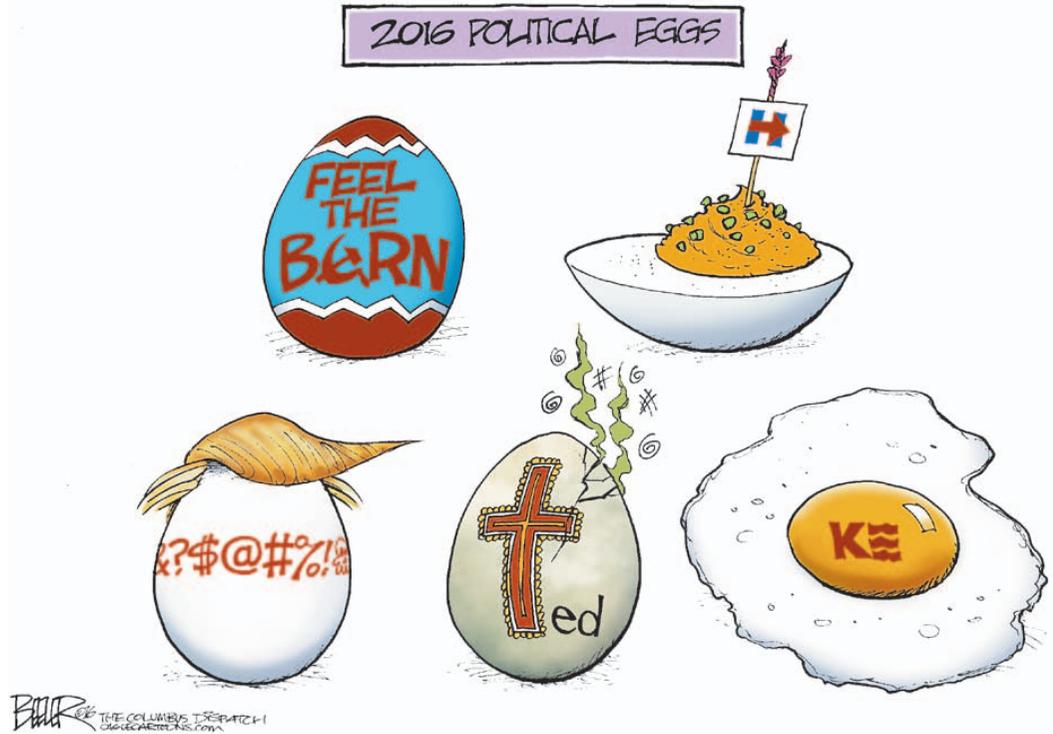
"Not having the administrative reviews and being able to go to the elections board to file complaints, that is a great disservice to our residents, because the amount of falsity that is going to come is only going to rise," Celebrezze said. "We've seen in the presidential election — the gloves are off."

Sen. Bill Coley, a West Chester Republican who chairs the Senate Government Oversight Committee, said staff attorneys are reviewing court rulings to see if there's middle ground. But he allows government probably can't do much to stop campaign lies.

An alleged falsehoods often aren't black and white. Journalistic "fact check" organizations, such as PolitiFact frequently judge a story to be "mostly" or "partly" true or false, based on their analysis of a sometimes complex set of facts. And one person's lie is another's spin.

Ohio's misguided false-statements law was appropriately struck down by the court. The legislature should not revisit this effort to criminalize, and silence, political speech. Let voters, not a government panel, decide if candidates are lying.

NATE BEELER



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OTHER VIEWPOINTS

## At last, justice for war crimes

The horrific civil war in Syria defies easy comparison, but the closest analogy of recent times might be the conflict that engulfed Yugoslavia almost exactly a quarter-century ago. As that multiethnic communist federation began to splinter in 1991, its Croat, Serb and Muslim inhabitants battled over territory and physical assets — with the worst savagery taking place in the former Yugoslav republic Bosnia, where ethnic groups had previously lived most closely intermingled.

Backed by the government of the largest Yugoslav republic, Serbia, and the remnants of the Serb-dominated Yugoslav national army, Bosnia's Serbs staged a brutal campaign of "ethnic cleansing" aimed mainly at Bosnia's Muslims, in which tens of thousands lost their lives and many more were forced to flee.

For Europe and the United States, the genocidal conflict aroused both memories of World War II and a sense that the perpetrators of this generation's war crimes must be held legally accountable. The International Criminal Tribunal for the former Yugoslavia was born under

United Nations auspices two years before the Bosnia war ended in 1995 — and it's still in business today. The ICTY, as it is known, has indicted 161 defendants, including former Serbian dictator Slobodan Milosevic, for genocide, torture and other crimes against humanity. It has convicted 80 of them and acquitted 18, while 36 cases have been dismissed or terminated, including that of Milosevic, who died during his trial. An additional 25 cases are pending, about half of which were transferred from the ICTY to the newly capable governments in ex-Yugoslavia.

Of the convictions, none is more important than that of the man whom the ICTY sentenced Thursday to 40 years in prison: Radovan Karadzic, the political leader of the bloody 1992 Serb uprising against Bosnia's internationally recognized government. Karadzic had managed to evade arrest until 2008, when he was discovered living in Belgrade, disguised, bizarrely, as a bearded faith healer. Now his nearly eight-year trial has established his complicity in some of the most shocking crimes of recent European history: the forcible mass expulsion of

non-Serbs from their villages, followed by internment in squalid concentration camps; the deliberate shelling and shooting of civilians in the Bosnian capital of Sarajevo; and the roundup and murder of 8,000 Muslim men and boys at the town of Srebrenica in 1995.

Karadzic protested that all of this was just the inevitable havoc of war. The tribunal found instead that the suffering and bloodshed were the eminently foreseeable, and indeed intended, results of plans that Karadzic laid as part of a "joint criminal enterprise," whose military leader, Ratko Mladic, is also on trial at the ICTY, with a conclusion likely by next year.

There is much to criticize about the ICTY, especially the snail-like pace of its proceedings, which followed the long delays in arresting Karadzic and Mladic. Yet the tribunal's work, now crowned by the Karadzic conviction, has nevertheless helped consolidate democracy in the former Yugoslavia by establishing a measure of justice that was retrospective without being vengeful. The wheels of justice grind slowly, but grind they do.

*The Washington Post*