

# PRESIDENT'S PERSPECTIVE

## A Well-deserved Victory *Principle of free debate upheld by court*

In January, the appellate division of the Supreme Court of New York threw out a libel suit brought by Immuno AG, an Austrian medical-supply firm, against Dr. J. Moor-Jankowski, a researcher at New York University Medical School. While Dr. Moor-Jankowski was the sole remaining defendant at the time of the appeal, the suit had its origins in a letter written by Dr. Shirley McGreal, chairwoman of the International Primate Protection League, to the *Journal of Medical Primatology*, which Dr. Moor-Jankowski edited. Dr. McGreal's letter criticized Immuno's plans to establish a chimpanzee-research facility in Sierra Leone, West Africa, on grounds of the plan's possible impact on wild chimpanzee populations and its apparent purpose of getting around international laws and treaties restricting trade in endangered species, among others. The letter was published in December 1983, after which Immuno sued Dr. Moor-Jankowski, Dr. McGreal, and a number of other defendants for libel. (The HSUS and several other animal-protection and wildlife organizations filed a brief as *amici curiae*, emphasizing the importance of free and untrammelled public debate in matters concerning the environment and endangered species.)

In many senses, animal-protection organizations and others that depend upon speaking out and alerting the public in the face of the daunting accumulation of material resources that business corporations possess should be heartened by the appellate division's decision. In addition to declaring Dr. McGreal's letter to be not only clearly protected opinion but also "demonstrably true," the court sharply criticized the trial court for not cutting off the litigation at an early stage. "To unnecessarily delay the disposition of a libel action," the court declared, "is not only to countenance waste and inefficiency but to enhance the value of such actions as instruments for harassment and coercion inimical to the exercise of First Amendment rights."



John A. Hoyt, President

The court's opinion thus represents a welcome vindication of Dr. McGreal and those who courageously alert the public to the truths of animal exploitation. It is to be hoped that the court's opinion, in its completeness and scholarship, will have a salutary effect upon plaintiffs who may seek to use defamation law to still the voice of animal advocates and upon trial judges, at least in New York State, who, guided by the decision, will strive to terminate such suits as soon as possible, to the relief of charitable defendants whose funds are strained by legal fees as well as by liability-insurance premiums.

When one considers that Dr. McGreal's statements were in the form of a letter to the editor—a forum in which unfettered give-and-take is expected and which is a premiere showcase of the free marketplace of ideas in this country—that Dr. McGreal's letter dealt with a subject of undeniable public and international concern (the protection of endangered species) and that, in spite of these facts, an appellate court required a turgid, technical decision to resolve the case, one wonders whether the court's opinion really represents enhanced protection or rather a failure of the judicial system to protect controversial speech on clearly public issues. Overall, the courts have failed to lay down a simple standard, one that grants an overwhelming presumption of protection to speakers on matters of public concern or interest, which would include virtually all issues involving the use and exploitation of animals. Perhaps awarding attorneys' fees to the prevailing party in libel litigation and imposing sanctions against plaintiffs' attorneys, when justified, would go a long way toward discouraging the sport of harassment suits against animal advocates and public-interest organizations, but such measures are rarely, if ever, taken.

The HSUS salutes Dr. McGreal for her courageous stand, which has served to enhance greatly the right of individuals and organizations to criticize and censure those who would abuse animals. ■

A handwritten signature in cursive script that reads "John A. Hoyt".