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

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 turpid, 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 the give-and-take in a forum in which unfettered speech is protected.

For these reasons, the court’s opinion is to be welcomed not only by legal fees as well as by liability-insurance premiums.

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.”

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