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 stifle 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.