The Nation Suit
 Slug It Out in Print...

Dear Sirs: Generally speaking, I am in accord with the views expressed by Mr. del Vayo in his Nation column. In fact, Mr. del Vayo seems to me to be one of the very few persons who is still capable of writing intelligently about foreign policy. By the same token I am strongly opposed to the views, and particularly the attitude, of Mr. Greenberg. Nevertheless, I believe that The Nation was wrong in refusing to publish the Greenberg letter and in suing the New Leader for publishing it.

I am not expressing any opinion on the legal issues. Nor am I considering the problem of an individual citizen who has been gravely injured by irresponsible smears and has no way to vindicate himself except through a law suit.

The Nation is a publication engaged in the business of discussing public affairs. The letter was written by a former regular contributor and dealt, in general, with important public issues. Under those circumstances it seems to me that The Nation should have met the attack in the arena of public discussion rather than by bringing suit. Resort to the courts cut off further argument and, in effect, brought a breakdown in the rational exchange of ideas. I do not think The Nation should have been so quick to abandon the basic principle of full discussion to which its long and honorable existence has been devoted.

As a matter of fact, had The Nation kept the controversy on the level of public discussion, a valuable purpose might have been served. The Greenberg letter is a perfect illustration of the irrational approach to problems of foreign policy so common in this country today. The Nation could have made a searching reply that would have furnished an important object lesson for Nation readers.

I realize that the Greenberg letter must be considered in a broad context, and that it represents an increasing tendency to oppose the expression of certain views by appeal to prejudice rather than to reason. This tendency, spearheaded by the Committee on Anti-American Activities, constitutes a dangerous threat to the free expression of ideas. Under some circumstances the danger should be combated by liberal actions, but not, I believe, in this case. The facilities for discussion are available to The Nation in its own columns, and I think it would have done much better to slug the question out there. The democratic process implies not only that the participants will be reasonably tolerant but that they will be reasonably thick-skinned. THOMAS L. EMERSON
New Haven, Conn.

... or in Court

Dear Sirs: An editorial in the New Leader of June 11, 1951, asserted that the time-honored liberal method of settling disputes is through political debate, presumably in the pages of journals rather than in the courtroom. I would agree that in this country a libel suit is generally resorted to only in "extreme situations." However, during certain periods of American and English history a court trial has constituted the most perfect form of political debate. After all, the courtroom is an arena where the opponents argue, present evidence, cross-examine, and refute—all the elements of political debate—and a decision is made on the evidence submitted. In fact, were it not for the so-called "oligarchical character of the legal system," our courts, with their serious character and ability to gather the relevant evidence, would be a better place for political debate than the press, which often presents the public with a distorted picture of events because it has to report them piecemeal.

In a completely democratic society denunciations of citizens might well be made formally in the courtroom, as they were in ancient Athens. In a healthy liberal democracy the courtroom should be a public place where important and interesting disputes between citizens would be fairly conducted in full view of the citizenry.

Practically speaking, going to court puts the burden of proof in this particular kind of dispute right where it belongs, with the accuser. The accusation that Mr. del Vayo is a Communist is a serious one and should be tested in the most imposing arena we have, namely, in court. Outside of court how

LETTERS TO THE EDITORS

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I can Mr. del Vayo prove to the people that he is not a Communist? Under the informal conditions of debate in the pages of magazines an erroneous impression might easily be left in the minds of many persons. It should not be up to the accused to prove such a charge; it should be up to the accuser to prove it.

The courtroom, far from precluding political debate, intensifies and purifies it, and offers the possibility of an authentic and valid conclusion. Those who are interested in denouncing others should welcome the chance to make their point in the most public way possible—in court. AARON BELL

Geneva, N. Y.

But Publicize Result

Dear Sirs: . . . I think you are right to take the liberal suit very militantly to your readers and to others who care about the liberal attitude. After all, the case breaks new ground, and its progress will be followed, I am sure, with enormous interest. . . . Perhaps, when the suit comes to trial, you would consider publishing weekly supplements containing verbatim transcripts of the testimony. Then all of us can really know how it is going.

New York HAROLD WENGLER

J. S. Mill's Verdict

Dear Sirs: I think I can best state my reasons for protesting against The Nation's refusal to print Mr. Greenberg's letter by employing the terms of the three classic suppositions of John Stuart Mill:

First of all, if Mr. Greenberg's opinion is false, then The Nation's own true opinion, by being tested in free and open debate, can become only more vitally true. Second, if Mr. Greenberg's opinion is true, then The Nation, even though it denies the truth of the opinion, has no moral right to suppress it, since suppression assumes the absolute infallibility of The Nation to decide the question not only for itself but for its readers, to whom it owes an impartial presentation of evidence. Finally, if Mr. Greenberg's opinion is partly true and partly false, then it is the duty of The Nation to present and discuss the opposing opinions in order that the truth may be determined.

I am not concerned with the possibly libelous nature of Mr. Greenberg's letter but with The Nation's failure to publish his letter and to give its reasons for deciding that his opinion is false. As Mill puts it: "There is the greatest possible difference between presuming an opinion to be true because, with every opportunity for contesting it, it has not been refuted, and assuming its truth for the purpose of not permitting its refutation. Complete liberty of contradicting and disproving our opinion is the very condition which justifies us in assuming its truth; and on no other terms can a being with human faculties have any rational assurance of being right.'

Right now I am in a very bleak state of mind—which has not been mitigated by my inability to follow the logic of your editorial in the issue of June 2. It still seems to me that I had every reason to expect that The Nation would publish and discuss Mr. Greenberg's letter. And I am thoroughly convinced that such action on the part of The Nation—no matter what the truth or falsity of Mr. Greenberg's letter—by proving its belief in freedom of opinion could have only redounded to its praise.

Philadelphia H. F. LAZARUS

May You Prevail!

Dear Sirs: I've read your statement on Greenberg and the New Leader and am heartily in accord with your position. I am very much opposed to the so-called liberal who feels the need to prove his liberalism not merely by taking a completely anti-Communist position but also by vilifying those liberals who continue to adhere to the positive principles of democracy rather than the negative doctrines of anti-communism. There is too much fear and hate in our midst, and the only sufferers from this hysteria are those who refuse to be stampeded.

It is one thing to oppose communism and to be on the alert against possible Russian aggression. But those who insist that everyone must join in their hysterical opposition to whatever the Communists say and do or be damned are following a course certain to undermine the very foundations of our democracy. I am, therefore, very grateful to you for making your stand clear and for defending those who have neither the power nor the opportunity to defend their liberalism publicly.

I wish it were possible for me to help you in this fight. More power to you, and may you prevail!

New York CHARLES A. MADISON