

SCIENTIFIC DEBATE ISN'T LIBEL

By: Jack Greiner on September 22, 2020 on graydon.law

Dr. Scott Atlas, a senior fellow at Stanford's Hoover Institution and White House coronavirus adviser, has [threatened to sue](#) a group of faculty at Stanford's Medical School for libel. Their offense? They published an [open letter](#) criticizing Atlas's statements on the coronavirus.

The letter sets out what the signatories contend is accepted science that indicates masks, hand washing and social distancing are effective tools to fight the spread of the coronavirus, that children can contract the disease and that herd immunity will occur when there is an effective vaccine, and not through unchecked community transmission. These statements apparently contradict contrary public statements from Atlas.

The letter notes:

"To prevent harm to the public's health, we also have both a moral and an ethical responsibility to call attention to the falsehoods and misrepresentations of science recently fostered by Dr. Scott Atlas, a former Stanford Medical School colleague and current senior fellow at the Hoover Institute at Stanford University. Many of his opinions and statements run counter to established science and, by doing so, undermine public-health authorities and the credible science that guides effective public health policy."

Presumably, Atlas is particularly steamed about this passage, as it accuses him of peddling falsehoods. He's not actually filed a suit, and he may not actually go through with it. But I assume he would argue that the letter damages his reputation in his profession. And technically he's right. A statement that injures a person's professional reputation is traditionally grounds for a libel suit.

But context matters. And in any debate over science, one side inherently contends the other's position is false. And the scientific community needs to have that type of debate to advance our knowledge and understanding of the world around us. If one scientist can sue another over a disagreement, these debates won't happen.

Here's hoping the Atlas lawsuit doesn't advance beyond the bluster of a plaintiff's attorney.