

To the Bag

prevailed because they were able to convince the jury that although Lowenthal's comments about Vassiliev and his research methods were false and lowered Vassiliev's reputation, they were 'expressions of opinion.'[†] Not only were Lowenthal's comments false, White implies, but they were seen to be false by the jury. To the contrary, the jury found that given the information available to Lowenthal, a fair-minded reader would think his criticisms reasonable. Judge David Eady's summation dwelt so substantially on the evident veracity of Lowenthal's allegations that "somewhere in the middle of it" Vassiliev "started realizing that I had lost the case," judge and then jury agreeing with the defense that "the words complained of are true in substance and in fact."[‡]

David Lowenthal

Professor Emeritus of Geography and Honorary Research Fellow
University College London

TROUBLE SPOTS REMOVED

To the Bag:

Orval Overall once said of his Chicago Cubs teammate, Mordecai "Three Finger" Brown, that "when it comes to smoothing over internal troubles, and patching up trouble spots on a ball club, Brown is a thirty-three degree diplomat." While I never would present myself as an expert on either Brown or Chief Justice Roberts, I don't hesitate to suggest that Overall's quote connects Brown to Roberts as smoothly as Evers connected Tinker to Chance.

Adam White
Washington, DC

[†] G. Edward White, "Alexander Vassiliev & Alger Hiss, part II," 2d ser., 13:1 *Green Bag*, 85-100 (Autumn 2009), 97.

[‡] *Vassiliev v. Frank Cass & Co.*, Summing up and Verdict, High Court of Justice, Queen's Bench Division, Royal Courts of Justice, 13 June 2003, HQ01X03222, [http://homepages.nyu.edu/~th15/Vassiliev v Cass](http://homepages.nyu.edu/~th15/Vassiliev%20v%20Cass); Alexander Vassiliev, "Introduction: How I Came to Write My Notebooks, Discover Alger Hiss, and Lose to His Lawyer," in John Earl Haynes, Harvey Klehr, & Alexander Vassiliev, *Spies: The Rise and Fall of the KGB in America*, li-lii (2009).

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