



Written by [Steve Byas](#) on June 28, 2017

## Palin Libel Suit Against N.Y. Times Highlights Liberals' Double Standards

*“Was this attack evidence of how vicious American politics has become? Probably. In 2011, when Jared Loughner opened fire in a supermarket parking lot, grievously wounding Representative Gabby Giffords (D-Arizona) and killing six people, including a 9-year-old girl, the link to political incitement was clear. Before the shooting, Sarah Palin’s political action committee circulated a map of targeted electoral districts that put Ms. Giffords and 19 other Democrats under a picture of stylized crosshairs. Conservatives and right-wing media were quick on Wednesday [note: in the aftermath of the shooting of Congressman Steve Scalise (R-La.)] to demand forceful condemnation of hate speech and crimes by anti-Trump liberals. They’re right. Though there’s no sign of incitement as direct as in the Giffords attack, liberals should of course hold themselves to the same standard of decency that they ask for of the right.” (Emphasis added.) — New York Times*



These are the words published by the *New York Times* that precipitated a defamation lawsuit by former Alaska Governor Sarah Palin, and they vividly illustrate how the Left regularly uses a double standard in order to trash conservatives, though saying in an editorial that liberals should “hold themselves to the same standard of decency that they ask for of the right.”

The comments about Palin are part of a pattern of left-wing invective against her, in particular, and against conservative women or minorities in general, that tends to go beyond the usual character assassination often employed against conservative personalities. For example, David Letterman opened his *Late Show* a few years ago with a “joke” that Palin’s 14-year-old daughter had been raped at Yankee Stadium. No one believes that any such “joke” would have been told by Letterman or any other liberal comedian about a liberal female politician, or one of the daughters of President Barack Obama.

But the Left saw a conservative political woman as a threat to their political base, and therefore her reputation had to be shredded. And, for instance, a similar effort was made against a man — Supreme Court Justice Clarence Thomas — for the same reason.

The *Times*’ editorial is the latest incarnation of this pattern of antagonism from the Left against Palin. In the aftermath of the clear political assault on Republican members of Congress who were at baseball



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practice in Alexandria, Virginia, for the upcoming charity congressional baseball game against their Democratic Party colleagues, the Left was understandably concerned about the negative public-relations implications. The shooter was a known activist for socialist Senator Bernie Sanders (I-Vt.), who had set out to assassinate Republican members of Congress as a political act.

In response, the *Times* resurrected the 2011 shooting of Giffords so as to compare with the shooting of Scalise by a Bernie Sanders supporter, with the effect of diminishing those negative effects upon the Left. It would be unfair to blame Sanders for what one of his supporters did (although Sanders was among those on the Left back in 2011 to accuse the Tea Party of inciting Loughner's rampage). And of course, the *Times* did not blame Sanders.

On the other hand, the *Times* asserted a "clear" and "direct" link between the political action committee of Sarah Palin and the shooting of Giffords by Loughner. The newspaper cited a map put out by the Palin camp of "targeted" electoral districts that put Giffords and 19 other Democrats under "stylized cross hairs." A reader could reasonably infer from reading the *Times* editorial that Loughner was inspired by those "cross hairs" to shoot one of the Democrat members of Congress — in this case, Giffords.

The evidence, however, is actually clear that Loughner did not even know about what Palin's political action committee had posted. As the *Washington Post* wrote, "Loughner had no clear political views. Instead he was a troubled man who abused alcohol and drugs, and whose mental illness was apparent to his classmates and family." People who knew him described him as either "apolitical," or "quite liberal."

In the legal filing by Palin's lawyers, they argue, "The defamatory statements in the Palin article constitute defamation *per se* because they tended to injure Mrs. Palin in her trade, business, profession and directly implicated Mrs. Palin in a horrific crime; specifically, that she incited a politically motivated attack and murder of innocent victims."

Defamation *per se* occurs when someone falsely states or writes something about another person that is already an established criteria as damaging to the person's reputation — accusing someone of having been convicted of a crime when they have not, for example, would constitute defamation *per se*. In other cases, the plaintiff also has to prove that the words were damaging to his or her reputation, not just that the defendant said them, knowing that they were false.

Showing damage is one of the elements in being able to win a monetary judgment in a defamation case. For example, just because one person says something demonstrably false about another person does not make it defamatory — called slander if spoken and libel if written. If someone mistakenly stated that an actor won an Oscar in 1987, when they were only nominated for the award, that, of course, would not be defamatory.

Another hurdle that Palin must clear to win against the *Times* is proving actual malice — that is, that the newspaper knew that what they wrote about Palin was false. In the lawsuit filing, Palin's attorneys wrote, "The *Times*['] conduct was committed knowingly, intentionally, willfully, wantonly and maliciously with the intent to harm Mrs. Palin, or in blatant disregard of the substantial likelihood of causing her harm."

The reason that Palin will have to prove either malice or "reckless disregard for the truth" is due to the 1964 Supreme Court ruling *New York Times v. Sullivan*. In that ruling, the court held that, as a public figure, a person claiming defamation must prove not only that the statements were false and damaging,



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but that the person making the statements knew they were false, or had a reckless disregard for the truth. Public figures include those who hold public office, candidates for public office, movies stars, and the like. A person who is not a public figure has to prove only negligence.

The *Times* did attempt to backtrack somewhat from its original editorial, but the Palin suit contends that they made only “half-hearted Twitter apologies — none of which sufficiently corrected the falsehoods that the paper published. In fact, none mentioned Mrs. Palin or acknowledged that Mrs. Palin did not incite a deranged man to commit murder.”

While the outcome of this case as a legal matter is clearly uncertain, it demonstrates that the *New York Times*, as a leading part of the American liberal establishment, is often willing to unfairly and personally attack the reputation of leading conservatives — especially if that person is a woman.

Image of Sarah Palin: [Screenshot of an ad at sarahpalin.com](#)



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