



Written by [R. Cort Kirkwood](#) on September 16, 2020

Dershowitz Sues CNN for Defamation. Words Twisted, \$300M Sought

Famed lawyer Alan Dershowitz sued CNN for defamation yesterday because the network, the [lawsuit alleges](#), misrepresented his argument in defense of President Trump during the Democrats' failed impeachment.

CNN, the Harvard law professor argues, twisted his words from his appearance on the floor of the U.S. Senate, which subjected him to ridicule at the hands of CNN's talking heads.



Dershowitz seeks \$300 million from the network, [which recently settled](#) a lawsuit with Nicholas Sandmann the high-school boy it smeared after his encounter with an Indian aggressor at the Lincoln Memorial in 2019.

The Lawsuit

Answering a question from Senator Ted Cruz during his defense of Trump on January 29, the [lawsuit says](#), Dershowitz replied that “the constitution does not support an impeachment of a president simply because a lawful action taken by a president might have been based in small part to or to some degree on a desire to be reelected and if the president believes his reelection is in the public interest.”

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House managers had argued that “a president can be impeached and removed from office if he takes any action whatsoever that is motivated by any percentage or any degree of desire to be reelected, no matter how minimal.”

Specifically, Dershowitz explained it this way:

The only thing that would make a quid pro quo unlawful is if the quo were somehow illegal. Now we talk about motive. There are three possible motives that a political figure could have. One, a motive in the public interest and the Israel argument would be in the public interest. The second is in his own political interest and the third, which hasn't been mentioned, would be his own financial interest, his own pure financial interest, just putting money in the bank. I want to focus on the second one for just one moment. Every public official that I know believes that his election is in the public interest and, mostly you are right, your election is in the public interest, and if a president does something which he believes will help him get elected in the public interest, that cannot be the kind of quid pro quo that results in impeachment.

But in reporting Dershowitz's argument, CNN only aired the last sentence, the lawsuit avers: “Every public official that I know believes that his election is in the public interest and, mostly you are right, your election is in the public interest, and if a president does something which he believes will help him get elected in the public interest, that cannot be the kind of quid pro quo that results in impeachment.”

CNN hosts, panel guest, employees, and paid commentators, the lawsuit says, “exploded into a



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onesided and false narrative that Professor Dershowitz believes and argued that as long as the president believes his reelection is in the public interest, that he could do anything at all — including illegal acts — and be immune from impeachment.”

That Dershowitz would suggest such a thing, the [lawsuit alleges](#), is “preposterous and foolish on its face, and that was the point: to falsely paint Professor Dershowitz as a constitutional scholar and intellectual who had lost his mind.”

Dershowitz’s “sound and meritorious arguments would then be drowned under a sea of repeated lies ... even though [what CNN reported] was the opposite of what he said: i.e., that “the only thing that would make a quid pro quo unlawful is if the quo were somehow illegal.”

Though CNN twice played the entire clip, it “disappeared from subsequent programming” because permitting viewers to see the full clip “would cause its viewers to categorically reject the conclusions of its hosts and panel guests.... The phrase that included the word ‘illegal’ was an essential part of his argument, and that is precisely why CNN decided to omit it.”

[\(Read the lawsuit here.\)](#)

Result of the Omission

Citing another defamation case, the lawsuit argues that words taken out of context can be defamatory because they damage the speaker’s reputation, and then offers comments about Dershowitz’s edited words from three prominent CNN talkers to show why.

Former Clinton hatchetman Joe Lockhart offered this opinion:

Having worked on about a dozen campaigns, there is always the sense that, boy, if we win, it’s better for the country. But that doesn’t give you license to commit crimes or to do things that are unethical. So, it was absurd.... This is un-American. This is what you hear from Stalin. This is what you hear from Mussolini, what you hear from authoritarians, from Hitler, from all the authoritarian people who rationalized, in some cases genocide, based what was in the public interest.

Another CNN talking head, John Berman said this:

The president’s defense team [Dershowitz] seems to be redefining the powers of the President, redefining them towards infinity.... If you look at what he says there it blows your mind. He says if a President is running for re-election because he thinks getting elected will help America, he can do anything, anything. And that redefines the presidency and America.

Then came Clinton legman Paul Begala:

I did not go to Harvard Law, but I did go to the University of Texas School of Law, where I studied criminal law and constitutional law, but never dreamed a legendary legal mind would set them both ablaze on the Senate floor. The Dershowitz Doctrine would make presidents immune from every criminal act, so long as they could plausibly claim they did it to boost their re-election effort. Campaign finance laws: out the window. Bribery statutes: gone. Extortion: no more. This is Donald Trump’s fondest figurative dream: to be able to shoot someone on Fifth Avenue and get away with it.

CNN broadcast those statements knowing they were false and with reckless disregard for the truth, the [lawsuit argues](#), and intentionally omitted Dershowitz’s proviso that his argument does not apply to illegal acts.



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“Professor Dershowitz appears to have made one mistake,” the lawsuit says:

He chose to defend the President of the United States and defend the U.S. Constitution at [a] moment in time where CNN has decided that doing so is not permitted. For this, CNN set out to punish him and destroy his credibility and reputation, and unfortunately, succeeded.

Dershowitz wants \$50 million in compensatory and \$250 million in punitive damages that [will go to charity](#) if he prevails.

Photo of Alan Dershowitz: U.S. Senate [via Wikimedia](#)



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