



## Nunes Accuses CNN of Lying in Libel Suit

In a libel suit filed in the U.S. Eastern District Court of Virginia, Representative Devin Nunes (R-Calif.) is asking for \$435,350,000 in compensatory and punitive damages from CNN for its report — which Nunes is arguing is “demonstrably false” — that Nunes met with Ukrainian prosecutor Viktor Shokin in Austria in 2018 to dig up “dirt” on former Vice President Joe Biden and his son, Hunter.



Shokin is the Ukrainian prosecutor who was investigating alleged corruption in the Ukrainian natural gas company Burisma Holdings. Hunter Biden sat on the board of Burisma. Shokin was fired when then-Vice President Joe Biden threatened to withhold U.S. foreign aid to Ukraine unless he was fired. Hunter Biden was making \$50,000 per month to sit on the board, despite having no experience in the energy business.

Since President Donald Trump’s (in)famous phone call to congratulate the newly-elected president of Ukraine, a phone call in which he asked President Zelensky to look into the matter of Shokin’s firing, Democrats have charged *Trump* of pressuring Ukraine to dig up dirt on Biden. Nunes is the ranking member of the House Intelligence Committee, which has been conducting an inquiry into the possible impeachment of President Trump. Had Nunes covertly met with Shokin even earlier than that with a “dig up dirt on Biden” request, this would be big news, especially considering that Nunes has strongly condemned the probe as politically motivated by the Democrats.

CNN’s Vicky Ward released her story shortly before Thanksgiving accusing Nunes of meeting Shokin, in which she reported that Nunes had met “in Vienna last year with the former Ukrainian prosecutor to discuss digging up dirt on Joe Biden.”

The story asserted that this supposed meeting happened last December.

Other anti-Trump media outlets, including the *Daily Beast*, have also promoted the story as true, but not all of them. The *Washington Post*, for instance, disputed the CNN story as false, noting that Shokin did not even know who Nunes was. The *Post*’s cited source said, “This meeting never took place.”

In the 47-page lawsuit, Nunes argued, “CNN is the mother of fake news. It is the least trusted name. CNN is eroding the fabric of America, proselytizing, sowing distrust and disharmony. It must be held accountable.”

So outrageous is CNN’s claim that Nunes met secretly with Shokin that even Matthew Miller, a justice and security analyst for MSNBC, questioned the source used by CNN for the story. CNN’s source was Lev Parnas, who was recently indicted by the federal government for several crimes.

Nunes’ lawsuit was blunt. “It was obvious to everyone — including disgraceful CNN — that Parnas was a fraudulent and a hustler. It was obvious that his lies were part of a thinly-veiled attempt to obstruct justice and to trick either the United States Attorney or House Intelligence Committee Chairman Adam Schiff into offering ‘immunity’ in return for information about [Nunes].”



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The lawsuit filing asserts that CNN knew that “no other news outlet would touch the salacious story because none of the ‘facts’ provided could be verified.”

Amazingly, Parnas tried to implicate Vice President Mike Pence in the Ukrainian scheme, a claim that even the *New York Times* said was false.

CNN also knew, the lawsuit filing asserts, that Parnas was an unreliable source. “On October 23, 2019, Parnas was released from custody on a \$1,000,000 secured bond. The Court required Parnas to surrender his passport; restricted his travel to Virginia and D.C. to meet with lawyers; place him on home detention with G.P.S. monitoring; and imposed multiple other restrictions.”

Proving that CNN’s report was false will be a burden on Nunes, the plaintiff. An even taller hurdle for Nunes’ lawyers will be to prove that CNN *knew* their reports were false. Public figures — such as elected officials, candidates for office, and celebrities — have a more difficult task in proving defamation (libel if written or slander if merely spoken) than the average citizen. For a public figure to actually win a libel suit, it must be proven by clear and convincing evidence (close to the “beyond reasonable doubt” standard used in criminal trials) that the person uttering the slander or publishing the libel knew the statements were false, made them with actual malice, or had “reckless disregard for the truth” — in other words, they just did not care whether the statement was true or false, they just wanted to inflict harm to a person’s reputation.

This standard was enunciated by the U.S. Supreme Court in its famous 1964 *New York Times v. Sullivan* case, and as difficult as it is, some public figures *have* won libel suits. TV Hall of Fame actress Carol Burnett successfully sued the *National Enquirer*, when it ran a story that Burnett — a strong opponent of drunkenness — was inebriated in a public restaurant.

Senator Barry Goldwater, the 1964 Republican candidate for president, sued *FACT* magazine for its defamatory article that accused Goldwater of being psychologically unfit for the White House and for having a severely paranoid personality. But the case did not even come to trial until May 1968, and appeals dragged on until January 1970. Goldwater was awarded \$1 million in actual damages, but the slowness of the courts demonstrates why so few libel suits are even filed as a result of statements made in political campaigns.

I can personally attest to that. In 1996, I ran for state representative in Oklahoma, and my opponent falsely stated that I had publicly written that the U.S. government blew up the Murrah Federal Building the previous year — this in a legislative district which had many relatives of the victims. I won the lawsuit, but appeals dragged on until 2000. By that time, my opponent was finishing up his second term in the Oklahoma Legislature.

But Nunes’ lawsuit can serve a valuable service, drawing attention to just how far CNN is willing to go in its effort to advance its left-wing agenda.

*Photo: AP Images*

*Steve Byas is a university instructor in history and government, and author of History’s Greatest Libels. Partly as a result of his being libeled himself, he wrote the book to defend historical figures who have been the victims of falsehoods — persons such as Thomas Jefferson, Christopher Columbus, Marie Antoinette, Warren Harding, and Joe McCarthy. He can be contacted at [byassteve@yahoo.com](mailto:byassteve@yahoo.com).*



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