

In defence of my dear friend Mark Steyn

by Conrad Black



Cary Katz

Normally I would not inflict on *National Post* readers anything about the vagaries of the U.S. justice system, but the harassments of my illustrious friend Mark Steyn, with whose brilliant writing most *National Post* readers would be familiar, are a legitimate news story, and they now have a personal aspect for me.

Many will remember that Mark set up a television comment and production business in Vermont a few years ago, with the controversial entrepreneur, Cary Katz. Katz made a substantial fortune lending money to university students, and collecting in, according to the admittedly suspect New York State attorney general, an allegedly predatory manner. He loaned out

a total of US\$19 billion, and did well in that business. He is also a professional poker player and pioneer in television poker. Katz is a television impresario and was the founder of CRTV – Conservative Review television – and the television network Poker Central. He is a major shareholder in both, although CRTV last year merged with Glenn Beck's TV outlet, The Blaze.

Notwithstanding his status as a large shareholder, Katz sued CRTV last year, for reasons I'll get to in a moment. Katz is in that numerous category of wealthy Americans who is notoriously very litigious. CRTV-Blaze is a conservative television and podcasting operation that includes among its better known American personalities Glenn Beck, Mark Levin, and for a time, Michelle Malkin (she quit and went elsewhere).

Mark Steyn entered the picture in the early days of CRTV in 2016 when Katz, after reportedly prolonged negotiation, arranged for Mark to host and jointly produce a mixed comment and cultural program near Mark's home in New Hampshire. People were engaged and the necessary equipment purchased and the arrangement was launched. But it shortly dissolved in shambles as Katz purported to fire Mark and shut down the operations and sue Mark for US\$10 million claiming breach of contract. Mark is insusceptible to intimidation and no stranger to fierce litigation, and counter-sued Katz for breach of contract, won, and was awarded US\$4 million.

Immediately after losing the US\$10 million claim, Katz came back with a second suit against Mark for US\$5 million (since upped to US\$10 million), this time using the American Arbitration Association rather than the courts. He accompanied this with an entertaining sequence of dilatory procedures evidently designed to run Mark out of funds before he could collect his original judgment. The first smoke-screen actions were dismissed by the New York Supreme Court, but Katz then started to peel the onion of the endless lawyer's paradise of American litigation. He sued CRTV, his own company. Mark

properly alleged that this was in order to try to make it incapable of honouring the judgment against it in the Steyn decision. Mark described this as “Katz’s left buttock is suing Katz’s right buttock into pseudo-insolvency as a fraud upon the court.”

Even though the case was heard in Nevada – long one of several American states where you knew there was an economic recession when the Mafia was laying off judges – a happy result ensued. Mark filed a motion to intervene in this farce of a lawsuit between Katz and CRTV – which Katz laughably alleged to the court was intended to “gratify private spite, promote public scandal, circulate libelous statements, or release trade secrets” – and one day later, Katz and CRTV “settled.”

The Nevada judge, Susan Johnson, sent Katz packing, rejecting his argument about Mark’s intervention and said she found this latest evasive and diversionary move of Katz to be: “a sham, and in essence ... a fraudulent conveyance.” Mark’s public comment on Judge Johnson’s finding was: “Preach it, sister.”

Then came Katz’s defamation suit against Mark for US\$15 million filed on the day of the Nevada hearing. In Mark’s response, he admits to “true, non-defamatory statements that correctly describe plaintiff Katz as a ‘deadbeat,’ ‘scofflaw,’ and as ‘dishonorable,’ and ‘criminal.’” (Truth is considered by the courts to be a valid defence in any defamation suit.)

In Katz’s return to the American Arbitration Association for another go at breach of contract, he cited a regular “Songs of the Week” feature that Mark runs on his own, very popular website, claiming that Mark’s selection of the three songs “Oh Happy Day,” “We Are The Champions,” and “Same Old Song and Dance” were all defamatory of Katz, who was not identified or mentioned in the references to these songs.

It is at this point that I proudly step into a cameo role in

Katz's suit against Mark, though not a solo one. I am joined in the dock by two other gentlemen who have had the honour of introducing Mark at public functions. I shall not name them as they have not been identified in public filings, but one is a distinguished libertarian and the other is a talented African-American comedian and radio producer, who only mentioned Katz at all in an allusion to a nameless person. My transgression occurred while introducing Mark with the award as the first recipient of the George Jonas Freedom Award given by the Justice Centre for Constitutional Freedoms. Mark earned the award as an elegant and fearless writer.

The presentation was in Toronto last year. I referred to Mark's legal intrepidity, among his many other fine personal and professional qualities, and I referred to his travails with Katz, who I told the audience I believed was "an absolute scoundrel," which I consider to be a mild description of his character and personality. Katz's allegation against Mark in my case is the false supposition that Mark put me up to uttering that description. In fact, the subject has never arisen between us, and I did not consult with Mark for 10 seconds before giving my brief address of introduction. (In his complaint, Katz generously compares me to the late, eminent American barrister Johnnie Cochran, who brilliantly secured the acquittal of O.J. Simpson, as one colleague said, by "Playing the race card and dealing it off the bottom of the deck." I have rarely been so highly complimented, albeit from an unwelcome source.)

It was a double honour to be asked to present an award named after one dear friend to another. Mark Steyn is as formidable a litigant as a polemicist, and I have no doubt that he will prevail, even in so uncivilized a forum as the courts of the United States. His courage and integrity, no less than his virtuosity as a writer and public speaker, and constancy as a friend, have earned the homage of all.

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