

Me, Sarah Palin, and the battle for sane courts and truthful press



by Lev Tsitrin

What a small world we live in! The *New York Times*' headline "[*Sarah Palin v. New York Times Spotlights Push to Loosen Libel Law*](#)" should not have felt personal, but the description of Governor Palin's grievance against the *New York Times* that caused her to sue the paper for libel –

"Ms. Palin, a former Alaska governor, filed her suit in 2017. It alleges that The Times defamed her with an editorial that incorrectly asserted a link between her political rhetoric and a mass shooting near Tucson, Ariz., in 2011 that left six people dead and 14 wounded, including Gabrielle Giffords, then a Democratic member of Congress. [...] As it first appeared, the editorial then argued that "the link to political incitement was clear" between the 2011 Giffords shooting and a map circulated by Ms. Palin's political action committee that showed 20 congressional districts that Republicans were hoping to pick up. Those districts, including the one held by Ms. Giffords, were displayed under stylized cross hairs" – brought back very vivid memories of me sitting, many years back, in a room in a Manhattan federal courthouse, being closely interrogated by two federal marshals on whether I planned to kill three federal judges, Jacobs, Katzmann, and Livingston,

who then sat on the US Second circuit court of appeals.

The reason I was being questioned was simple: the judges had the exact same grievance against me as did Sarah Palin against the *New York Times*. In one of the legal briefs I submitted when I sued those judges for fraudulently replacing in their decision my lawyer's argument with an utterly bogus one of judge's own concoction (along with Judge Vitaliano whom I sued separately, and Judge Lettow), I quoted Jarred Laughner – the Tucson shooter. What may have galled the judges, and made them jumpy, was the fact that one of his victims was a federal judge (he happened to attend Congresswoman Gifford's meeting with her constituents at which the shooting occurred). So the marshals now wanted to know, in essence, whether my mention of Jared Laughner was a Freudian slip, and whether I planned to kill the judges who wronged me?

I laughed at the suggestion, telling them that getting compensated by the court for the wrongs the judges did to me was perfectly sufficient – that my intent was amply evidenced by the fact that I resorted to a lawsuit to address my grievances. Yet they kept pressing me about my future steps in case judges got exonerated – to which I replied with a refusal to second-guess the court's future decision.

That did not satisfy them – unlike me (who despite my prior experiences, still believed in the integrity of the court system, and relied on it), they clearly did not trust it, and already knew the shape of the upcoming decision. So I suggested that they read what I actually said, and decide for themselves whether the quote was not apropos in the context of my lawsuit for judges' fraudulent replacement of my lawyer's actual, meaningful argument, with the utterly dumb, meaningless argument that they attributed to him in the decision right after making a formulaic declaration that “the Court must accept as true all factual statements alleged in the complaint and draw all reasonable inferences in favor of nonmoving party [i.e. in my favor]” (to quote Judge

Vitaliano). Having decided that judges “must” “accept as true all factual statements alleged in the complaint,” judges proceeded with accepting them as “false” – by throwing those same statements into trash, thus raising the fascinating question of what is, to a judge, the meaning of the word “must”? Clearly, it is in no sense obligatory. Does it mean “I may, if so inclined”? Does it mean “perhaps, if I am in a mood”? To put it generally, the question becomes, “do words used by judges have any meaning”?

Circle right back to Jared Laughner and the quote which got me dragged before the marshals. His beef with Congresswoman Giffords turned around that very same question. He asked her in her previous meeting with constituents a seemingly meaningless question, “what is government when words have no meaning?” She did not answer, enraging him and making him determined to kill her.

By common consent, the question was crazy (diagnosed with paranoid schizophrenia, yet considered competent to stand trial in 2012, Laughner now serves the life sentence, plus 140 years). And yet, just as a proverbial stopped clock showing the right time twice a day, in the context of my lawsuit against the judges – judges who clearly did not believe that the word “must” has a binding meaning – was my quote from Laughner anything but apropos? Judges are part of the government; words have no meaning to judges – so maybe Jared Laughner’s question was not that crazy, and bears being quoted?

The two marshals were not of the same mind – the gentleman was all for letting me go, the lady had her doubts – but finally they got persuaded, and, after an hour or so of being closely questioned, I was breathing the free air of Manhattan again. (The overall irrationality of my litigation experience is the focus of a 170-page book on my Orwellian – or is it Kafkaesque? – experience in courts which I titled *“Why do Judges Act as Lawyers? A Guide to What’s Wrong with American*

Law” that I just finished writing; it examines my cases in great detail, extensively quoting court documents to prove my point. I am now in the process of trying to find a publisher. If anybody reading this knows anybody who knows publishers, and can put in a word for me, please do so, and give me a shout! There are three quarter million lawyers in the US, and hundreds of thousands of lawsuits are filed, so there’s got to be people out there who want to understand how the system actually “works” – or doesn’t!)

But back to the story. If three federal judges got unhappy enough with me for having the name of Jared Laughner thrown at them, why wouldn’t Sarah Palin be a little upset when the *New York Times* did the same to her? And she might get more lucky in her lawsuit than I did.

For one, she has name recognition where I have none. Secondly, she sues the *New York Times*, not the judges.

That’s a colossal difference. As I learned in due course, judges successfully defend themselves with a self-given, in *Pierson v. Ray*, right to act from the bench “maliciously and corruptly,” and by claiming the self-given impunity (they call it “immunity”) “however erroneous the[ir] act may have been, [and] however injurious in its consequences it may have proved to the plaintiff” – as the then-DA Loretta Lynch elegantly put it when I sued Judge Vitaliano (if her name sounds familiar, it is because three years later she became Obama’s Attorney General. Further on the subject of “the world is small” – when I heard that Obama nominated the present US Attorney General, the then-judge Garland to the Supreme Court, my first thought was “ah, *that* scoundrel!” – because Garland dismissed my appeal in the case against Judge Lettow on the same grounds of judicial impunity.) *The New York Times* does have something close to “immunity” – in *New York Times v. Sullivan* the Supreme Court declared press’ lies to be protected speech – but it is still less than the full-blown, legally recognized impunity. The jury may well decide that Sarah Palin had a good

point – a fear that the *New York Times'* article clearly conveys..

That fear is well-justified because Sarah Palin has an excellent point indeed. Back in 2012, as my experience shows, the name of Jared Laughner was already toxic, and he was already known to have been insane, or at the very best, that he had motivations incomprehensible to everyone else (including me, at the time – it was only a year later, during my lawsuit, that I realized that he was a mere stopped clock whose seemingly incomprehensible linguistic question was, actually, the moment when that clock showed the right time.) So *New York Times'* mention of him in the context of Sarah Palin in a 2017 editorial *had* to be made with actual malice in mind. “The opinion section and the newsroom operate independently of each other” – an excuse that stresses opinion-writer’s presumably excusable ignorance of actual reality – cannot fly. Mr. Bennett, the then-editor of the editorial page who had been sacked (or, what is the same, left voluntarily – because he left following “outcry among readers and Times journalists [...] after the newspaper’s opinion section published an Op-Ed by Senator Tom Cotton, Republican of Arkansas, calling for a military response to civic unrest in American cities”) cannot have been so utterly ignorant of the news as to not have known of the toxicity of Jared Laughner’s name, and its incompatibility with a rational political discourse – the link his editorial tried to make.

I heard on the radio that the hearings in Sarah Palin’s case were pushed back by two weeks. If Sarah Palin’s lawyers see this article, and want me to testify, I’d oblige. I admit that I do have a grudge against the *New York Times* for its adamant refusal to cover the fraud that permeates the third of the government that is the federal judiciary. While scrutinizing Trump with ardor, seeking out the dirt on him with a telescope, and then eagerly inspecting it under a microscope in their reporting, they refuse to do the same to judges who

gave themselves the right to act “maliciously and corruptly,” no less – and yet, if invited to testify, I would speak “truth, only truth, and nothing but the truth” about my experience with the Jared Laughner quote, and its implications.

Truth is badly needed nowadays to wash out the spider web of lies that the federal judiciary and the press have spun around the American people, keeping them in thrall. I wish Sarah Palin the best of luck in the court – and if I can help the cause by testifying that way back when, in 2012, a bunch of federal judges recoiled at the odious mention of Jared Laughner, I will. Just let me know, Governor Palin.

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