



CNN on Trial: Navy veteran's lawsuit highlights media accountability debate



CNN defamation trial sparks debate on media ethics (AP File Photo)

CNN faces a defamation trial in Florida over allegations by Navy veteran Zachary Young, who claims their reporting destroyed his business. The case raises broader concerns about media accountability and ethics.

At a particularly inopportune time for legacy media and CNN, the news outlet is on trial in Florida this week, accused of defaming a Navy veteran involved in rescuing endangered Afghans from that country when the US ended its involvement there in 2021. The veteran, Zachary Young, blames CNN for destroying his business when it displayed his face onscreen during a story that discussed a “black market” in smuggling out Afghans for high fees at the time of the Taliban takeover.

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In a broader sense, the case puts the news media on the stand in journalism critic Donald Trump’s home state weeks before he’s due to begin his second term as president, and on the same day Facebook’s parent introduced a Trump-friendly policy of backing off fact checks. Young’s attorney, Kyle Roche, leaned into the press’ unpopularity in his opening arguments on Tuesday.

“You’re going to have an opportunity to do something significant in this trial,” Roche told jurors in Florida’s 14th Judicial Circuit Courts in Panama City on Tuesday. “You’re going to have an opportunity to send a message to mainstream media. You’re going to have an opportunity to change an industry.”

That’s the fear. Said Jane Kirtley, director of the Silha Center for the Study of Media Ethics and the Law at the University of Minnesota: “Everybody in the news media is on trial in this case.”

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Actual defamation trials are rare in this country

Defamation trials are actually rare in the United States, in part because strong constitutional protections for the press make proving libel difficult. From the media’s standpoint, taking a case to a judge or jury is a risk many executives don’t want to take.

Rather than defend statements that George Stephanopoulos made about Trump last spring, ABC News last month agreed to make the former president’s libel lawsuit go away by paying him \$15 million toward his presidential library. In the end, ABC parent Walt Disney Co. concluded an ongoing fight against Trump wasn’t worth it, win or lose.

In the most high-profile libel case in recent years, Fox News agreed to pay Dominion Voting Systems \$787 million on the day the trial was due to start in 2023 to settle the company’s claims of inaccurate reporting in the wake of the 2020 presidential election.

The Young case concerns a segment that first aired on Jake Tapper’s program on Nov. 11, 2021, about extraction efforts in Afghanistan. Young had built a business helping such efforts, and advertised his services on LinkedIn to sponsors with funding who could pay for such evacuation.

He subsequently helped four separate organizations — Audible, Bloomberg, a charity called H.E.R.O. Inc. and a Berlin-based NGO called CivilFleet Support eV — get more than a dozen people out of Afghanistan, according to court papers. He said he did not market to — or take money from — individual Afghans.

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Yet Young’s picture was shown as part of CNN story that talked about a “black market” where Afghans were charged \$10,000 or more to get family members out of danger.

The plaintiff says the story’s reference to ‘black market’ damaged him

To Young, the “black market” label implied some sort of criminality, and he did nothing illegal. “It’s devastating if you’re labeled a

criminal all over the world,” Young testified on Tuesday.

CNN said in court papers that Young’s case amounts to “defamation by implication,” and that he hadn’t actually been accused of nefarious acts. The initial story he complained about didn’t even mention Young until three minutes in, CNN lawyer David Axelrod argued on Tuesday.

Five months after the story aired, Young complained about it, and CNN issued an on-air statement that its use of the phrase “black market” was wrong. “We did not intend to suggest that Mr. Young participated in a black market. We regret the error. And to Mr. Young, we apologize.”

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That didn’t prevent a defamation lawsuit, and the presiding judge, William S. Henry, denied CNN’s request that it be dismissed. CNN, in a statement, said that “when all the facts come to light, we are confident we will have a verdict in our favor.”

Axelrod argued on Tuesday that CNN’s reporting was tough, fair and accurate. He told the jury that they will hear no witnesses who will say they thought less of Young or wouldn’t hire him because of the story — in other words, no one to back up his contention that it was so damaging to his business and life.

Yet much like Fox was publicly hurt in the Dominion case by internal communications about Trump and the network’s coverage, some unflattering revelations about CNN’s operations will likely become part of the trial. They include internal messages where CNN’s reporter, Alex Marquardt, says unflattering and profane things about Young. A CNN editor was also revealed on messages to suggest that a Marquardt story on the topic was “full of holes,” Roche said.

“At the end of the day, there was no one at CNN who was willing to stand up for the truth,” Roche said. “Theater prevailed.”

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Axelrod, who shares a name with a longtime Democratic political operative and CNN commentator, contended that the give and take was part of a rigorous journalistic process putting the video segment and subsequent printed stories together. “Many experienced journalists put eyes on these stories,” he said.

It’s still going to be difficult for CNN to go through. The network, with television ratings at historic lows, doesn’t need the trouble.

“At a moment of wider vilification and disparagement of the press, there is every reason to believe this will be weaponized, even if CNN prevails,” said RonNell Andersen Jones, a professor at the University of Utah law school and expert on libel law.

The case is putting a media organization and its key players on the stand in a very public way, which is something people don’t usually see.

“I always dread any kind of libel cases because the likelihood that something bad will come out of it is very high,” Minnesota’s Kirtley said. “This is not a great time to be a libel defendant if you’re in the news media. If we ever did have the support of the public it has seriously eroded over the past few years.”

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