

Arizona Supreme Court: Commentary by Radio Talk Show Host about U.S. Congressional Candidate Protected from Defamation Claim

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PRACTICES Anti-SLAPP and First Amendment Rights, Media and Entertainment Litigation

A two-year defamation case reached a fitting end in April as the Arizona Supreme Court held that political statements made about a political candidate's conduct at a political rally were protected as opinion and political speech. In a 13-page opinion, a unanimous Arizona Supreme Court dismissed the suit with prejudice and held that the nine statements at issue were not actionable in light of "each statement's content, the overall context, and the protections afforded to core political speech by the First Amendment." *Harris v. Warner*, No. CV-21-0242-PR, 2023 WL 2941654, at *1 (Ariz. Apr. 14, 2023). The nine statements can be found below within their context.

Harris opines on McCarthy's conduct at political rally and fitness for office on *The Conservative Circus*

The case began after the 2020 presidential election when former Arizona Republican Congressional candidate Daniel McCarthy sued iHeartMedia, Inc. and James T. Harris, the "ringleader" and host of *The Conservative Circus*, for \$120 million over comments Harris made on his radio talk show about McCarthy's fitness for office and actions at a "Stop the Steal" rally at the Arizona State Capitol. While Harris spoke to a crowd at the rally, McCarthy and his supporters interrupted him and insisted that Harris be removed from the stage. On two episodes of *The Conservative Circus*, Harris discussed the encounter at the rally and the fate of the Republican party. Harris questioned why McCarthy, a Republican like him, was making "a public spectacle of himself" and "going off on" him at the rally. Harris believed McCarthy and his supporters acted "unhinged," "hostile," "absurd," and "crazy." According to Harris, McCarthy, who tried to create a new political party, was a "sad example of a conservative" and "no example of what a leader should be."

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