

Lawsuit Claims Trump, Fox Conspired To Produce Fake News About Seth Rich

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Last night, the [Washington Post reported](#) that Donald Trump personally drafted the false, misleading statement that his son Donald Trump Jr. issued about his meeting to gather dirt on Hillary Clinton from Russian contacts.

It's not "normal" for sitting presidents to draft false statements to cover up their campaign's collusion with foreign governments to influence American elections. But, it's not "unlawful" for presidents to lie to the press, so... according to Trump supporters, there is nothing to see here.

But it is illegal to "defame" somebody. A new lawsuit accusing Fox and Trump of producing fake news won't do a lot to stop the man in the high castle from lying, but it could be the beginning of the counter-attack on fake news.

Private investigator Rod Wheeler is suing Fox News and others for defamation due to its misleading, [now retracted](#) story about the murder of Democratic National Committee staffer Seth Rich.

If you didn't follow the right-wing fever dream concocted around the Rich murder, I'll bring you up to speed. Rich was a DNC staffer who was murdered last year. Fox, and Sean Hannity particularly, disseminated a tale where they surmised that Rich was murdered in "retaliation" for sharing DNC emails with Wikileaks. They pushed it because, in their minds, establishing a (FAKE) connection between the DNC and Wikileaks would somehow fool people into thinking it was the Democrats, and not Donald Trump, colluding with the Russians.

None of it was based in facts, and Fox later retracted their story.

Wheeler claims Fox used made-up quotes from him in their story. From the [New York Law Journal](#) (sub. required):

Rod Wheeler, a Fox News commentator and private investigator, alleges unpaid Fox News contributor Ed Butowsky and reporter Malia Zimmerman used fake quotations from Wheeler in a now-retracted story about Rich. The lawsuit, filed in the Southern District of New York, alleges Butowsky and Zimmerman "kept in regular contact" with Trump administration officials on the story, and that President Donald Trump himself read the article before it was published. The story linked Rich to last year's leak of DNC emails by WikiLeaks.

The problem with most fake news stories is that the people who are harmed don't have the collective will, or the standing, to sue. Who is going to sue over that article spreading falsehoods about climate change? The Earth? A polar bear? There's no cause of action for willfully making people dumber.

And while you could twist yourself into a cause of action over something like PizzaGate, I have trouble suing people when there's an individual action that breaks the causal chain. Edgar Maddison Welch shot up Comet Pizza, and [he's in jail now](#). Suing the people who promulgated the lies and misinformation that "made him do it" is a dangerous path. I know Republicans have abandoned this principle, but I still believe there's got to be some personal responsibility in our legal framework.

But this defamation suit, that seems like a great place to unleash the lawyers. If you lie about what a person

said, that person has every right to sue you for it. [If you read the complaint](#), Wheeler alleges in multiple ways that Fox knowingly misquoted him in their story in order to establish a connection between Rich and Wikileaks where none existed.

I actually think this complaint would be better — for, like, America — if it had remained laser-focused on the defamation cause of action. But, it does drift into the salacious political cover-up that grabs headlines, even my own:

11. As noted above, Butowsky informed Mr. Wheeler two days before Zimmerman’s article came out that President Trump had read it and wanted it published “immediately.”

12. Prior to that, Butowsky and Mr. Wheeler met with Mr. [Sean] Spicer and provided him with a copy of Mr. Wheeler’s investigative notes. Mr. Spicer asked to be kept abreast of developments and, upon information and belief, Butowsky did keep Mr. Spicer abreast of developments.

13. Then, very shortly after the article was published, Mr. Wheeler called Butowsky and demanded an explanation for the false statements about him in Zimmerman’s article. Butowsky stated that the quotes were included because that is the way the President wanted the article, referring to President Donald Trump.

14. A few days later, Butowsky wrote to Zimmerman, “I didn’t tell you yet but the federal government is involved at this moment, behind the scenes and believe your story.”

15. The political motivations for the publication of Zimmerman’s May 16, 2017 article also are evidenced by many statements made between February and May 2017.

Do I believe that Donald Trump read a story that was to be published by his PR firm at Fox News, before it was published, and made edits to it that included the addition of made-up quotes? I mean... OF COURSE I BELIEVE THAT. What kind of SIMPLETON to you have to be to find that tale “unbelievable,” given everything we know (so far) about the president? YES, HE ORDERED THE CODE RED. Again, and again, and again.

But, legally, that doesn’t really matter. Or at least, there are bigger lies and bigger cover-ups that the president seems to be involved in that will catch up to his orange ass sooner or later. This lawsuit is about the production of fake news, and I’d just as soon as focus on that.

If this complaint is true, I hope a jury gives Fox the Gawker treatment. Knowingly and maliciously inserting fake quotes into your story should incur the strictest penalties we have for defamation.

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