

Lawsuit says Fox knowingly faked Seth Rich story

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Former Fox contributor says reporter misquoted him to imply DNC staffer was murdered for leaking to WikiLeaks.

A former Fox News contributor is claiming that the network purposely misquoted him to present the false implication that former Democratic National Committee aide Seth Rich was murdered because he had leaked information to WikiLeaks, a story allegedly encouraged by the White House as a way of deflecting attention from the FBI's Russia probe.

The [lawsuit was filed Tuesday by Rod Wheeler](#), a former detective and paid commentator for Fox News who was hired by Ed Butowsky, a wealthy Dallas investor, to investigate Rich's unsolved murder last year. Washington police say they believe the murder was an armed robbery gone wrong. But conspiracy theorists, including Fox News host Sean Hannity, have alleged Rich might have been connected to WikiLeaks' posting of thousands of internal DNC emails, which authorities have said was the work of Russian hackers.

In May, Fox News and its local affiliate, [Fox 5](#), posted two separate stories online alleging that Rich's murder might have been in retaliation for communicating with WikiLeaks. In both stories, which also appeared on air, Wheeler was quoted as saying he had sources who linked Rich to WikiLeaks. Wheeler backtracked on his statement to the local affiliate, and a few days after the story was debunked by other reporters and denied by police, [Fox News retracted its article](#), saying it "was not initially subjected to the high degree of editorial scrutiny we require for all our reporting."

In his lawsuit, [first reported by NPR](#), Wheeler says the Fox News article purposely misquoted him, and that Butowsky engaged in the entire affair in order to discredit reports that the Russians had hacked the DNC in order to help Donald Trump win the presidential election. The lawsuit also alleges that the White House and Trump were aware of the story and supportive of its publication. Wheeler, who is black, is also suing the network for racial discrimination.

In a statement, Fox's president of news, Jay Wallace, said there was no evidence that Wheeler was misquoted by the reporter of the Fox News story, Malia Zimmerman.

"The accusation that FoxNews.com published Malia Zimmerman's story to help detract from coverage of the Russia collusion issue is completely erroneous," Wallace said. "The retraction of this story is still being investigated internally and we have no evidence that Rod Wheeler was misquoted by Zimmerman. Additionally, Fox News vehemently denies the race discrimination claims in the lawsuit — the dispute between Zimmerman and Rod Wheeler has nothing to do with race."

The lawsuit says Butowsky and Wheeler met with former White House press secretary Sean Spicer on April 20, weeks before the Fox story was published, at the White House to brief him on their work. Spicer acknowledged having the meeting but told NPR he took the meeting as a favor to Butowsky.

"It had nothing to do with advancing the president's domestic agenda — and there was no agenda," Spicer

told NPR. "They were just informing me of the [Fox] story."

But when asked about the story linking Rich to WikiLeaks during a White House news briefing on May 16, Spicer said he was "not aware of — generally, I don't get updates on DNC — former DNC staffers. I'm not aware of that."

The lawsuit also includes a text message from Butowsky to Wheeler on May 14 alleging that Trump himself had reviewed drafts of the Fox News story before it was published. Spicer told NPR he's not aware of any contact between the president and Butowsky.

At the daily press briefing Tuesday, White House press secretary Sarah Huckabee Sanders said, "The president had no knowledge of the story," and she denied that the White House had any influence on it.

Though Wheeler willingly spoke with Fox News and the local Fox affiliate about the now-retracted story, he now says in the lawsuit he regrets it, that he was misquoted, and that he was used as a pawn by Butowsky. Just last week, Wheeler retweeted a [tweet](#) from a follower thanking him for breathing "life into the Seth Rich case."

Wheeler says he was contacted by Butowsky on Feb. 20 and asked to investigate the Rich murder on behalf of Rich's parents, because Butowsky had offered to pay for a private investigator. Wheeler says that Zimmerman, the Fox News reporter, was present at his first in-person meeting with Butowsky. According to the lawsuit, Butowsky told Wheeler that Zimmerman had been investigating the Rich case for some time.

Before introducing Butowsky to the Rich family, Wheeler claims Butowsky warned him to "play down Fox News, don't mention you know Malia [Zimmerman]."

Wheeler began investigating the murder and met with a D.C. detective, the lawsuit says. But in May, Wheeler alleges he was told by Butowsky that he and Zimmerman had an FBI source who would connect Rich and WikiLeaks.

Butowsky also told Wheeler via text message that the president had read the draft of Zimmerman's article and "wants the article out immediately," asking Wheeler to participate in Zimmerman's article. Though the lawsuit says Wheeler did provide certain quotes to Zimmerman in writing, it claims that Zimmerman falsely attributed quotes to Wheeler connecting Rich to WikiLeaks. Butowsky told NPR the comment about the president wanting the story published was a joke, and told Vanity Fair's Gabriel Sherman that Wheeler's lawsuit is "bullshit." He also denied sharing Fox's article with the White House.

Throughout the process, Wheeler says Butowsky regularly pushed him to say that Rich's alleged connection to WikiLeaks would put to rest the "Russian hacking narrative of stealing the records from the DNC" and affecting the election to benefit Trump.

The lawsuit contends that Wheeler demanded Zimmerman remove the quotes attributed to him from the article after it published, but that Zimmerman told Wheeler "that she had been instructed by her bosses at Fox News to leave the false quotes in the story."

In a recorded telephone conversation aired on NPR, Wheeler confronts Zimmerman about the quotes that connected Rich to WikiLeaks, complaining that an email to Rich's family sent by Zimmerman blames Wheeler for much of the information in the retracted article. Zimmerman seems to acknowledge that the information connecting Rich to WikiLeaks did not come from Wheeler despite the story saying they did.

"Not the part about the emails. Not the part about, I mean about the connection to WikiLeaks," she said, according to the recording. "But the rest of the quotes in the story did."

In the same conversation, the lawsuit alleges, Butowsky acknowledged that Wheeler did not provide those quotes, noting "[O]ne day you're going to win an award for having said those things you didn't say."

Wheeler is also suing Fox for racial discrimination, claiming that his "white colleagues with comparable or inferior skills, expertise and experience have received more air time, made more appearances and been hired into full time positions."