

TRUMP SHOULD WAGE NUCLEAR LAWFARE ON THE CORPORATE MEDIA

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Former President Donald Trump has

the unique ability to launch a lawfare offensive against the media that could be so effective it would force a media transformation, an essential step to turning the country around.

Trump can prove the media knowingly engaged in spreading lies about collusion between Russia and his 2016 presidential campaign and so much more. It seems malice would be awfully easy to prove as the evidence is in clear view. It would also be easy to show that all of the slander and libel caused material damage to Trump companies.

Unfortunately, the litigation cannot be about Trump *the man*, as *New York Times* v. *Sullivan* continues to grant the media open season on political opponents. But his companies were caused possibly billions in losses because of the attacks, and that may well be excluded from *Sullivan*.

I tweeted about this last week as one of my most fervent dreams. And to my delight, a few days later, Trump Media and Technology Group, which owns Truth Social, filed a \$3.78 billion lawsuit against the *Washington Post* in a Florida state court in Sarasota County, where Truth Social is based.

The lawsuit accuses the *Post* of publishing a story of libel and slander that is an “existential threat” to the social media company. According to *Just the News*:

“The suit alleges the Post ‘published an egregious hit piece that falsely accused TMTG of securities fraud and other wrongdoing’ and ‘has been on a years-long crusade against TMTG characterized by the concealment of relevant information in its possession.’

‘WaPo’s false criminal charges exposed TMTG to public ridicule, contempt and distrust, and injured TMTG’s business and reputation,’ the suit said.”

This is a pathway Trump companies can pursue whether he were to become president again or not. Trump is in the unique position to upend the media in a way that might radically reform how it functions in America.

Will it work? Put me in the camp of *let's find out*.

Trump should conduct this lawfare on all of the media that for years broadcast the Russia collusion hoax, often knowing it was a hoax, platforming conspiracy theories the same way Fox News allegedly did with Dominion Voting Systems. Fox NewsCorp just agreed to pay out \$787.5 million to Dominion Voting Systems for defaming the company over allegations about the 2020 election and it was determined that the company could show material damage.

Trump should sue CNN, MSNBC, ABC, CBS, NBC, the *New York Times*, the *Washington Post* and on and on over specific stories and over their body of coverage. Even sue the Pulitzer committee for rewarding and encouraging the lies if they do not agree to claw back the Pulitzers they handed out. Put lawfare on steroids.

The Durham report is an awesome launching point because, while the media is largely ignoring and downplaying it (for obvious reasons), it is amazingly thorough and provides a trove of information for lawsuits.

But there are so many others. The Charlottesville lie of “good people on both sides” was one of many false narratives to paint Trump as a racist and Nazi, which caused reputational harm to Trump companies whose business model was built on his name. The same for Trump “hates women,” Trump “hates immigrants,” and Trump is “corrupt to the core.” Who goes into a business deal with that level of reputational damage?

Publicly, we know that Trump’s net worth declined by \$1 billion while he was president—the opposite of all modern day presidents, despite his being the only one who was a successful businessman going into office.

The press has weaponized the *Sullivan* decision to savage political opponents without consequence, which is not the intent of the First Amendment. Were Trump companies able to win some of these suits, it would be explosive because the Supreme Court has indicated a willingness to take another look at *Sullivan*.

Justice Clarence Thomas in particular has condemned the Court’s decision in *Sullivan*, describing the “proliferation of falsehoods” the ruling enabled. And Justice Neil Gorsuch has opined that the malice standard the Court invented in the 1964 ruling “evolved into a subsidy for published falsehoods on a scale no one could have foreseen.”

Gorsuch added that the Court’s interpretation has meant that “publishing without investigation, fact-checking, or editing has become the optimal legal strategy.”

So there are several potentially huge outcomes benefitting America.

The third best is that these media outfits settle and pay Trump, which would be delicious but not transformative.

The second best would be that Trump’s lawsuits proceed to discovery. That would be just about the best thing ever.

But the very best thing would be for one of Trump's lawsuits to reach the Supreme Court, giving the justices occasion to revisit the *Sullivan* decision in a meaningful way.

However, Trump would need to overcome some real hurdles. The location of the suits would be tricky because New York has now become a hellhole of unequal justice for Trump and other disfavored groups. But the Truth Social lawsuit was filed in a red county in Florida. Trump companies are spread far and wide and that would provide options for lawsuits outside of blue cities.

The benefits of this *nuclear lawfare* are enormous. America wins if someone can finally hold these pretend journalists but actual propagandists accountable. Trump gets a measure of payback and, let's face it, it keeps him in the spotlight for years whether he is president or not. Everyone except irresponsible media propagandists win.

If the second or first best options emerged, the media would be so flat-footed and vulnerable in response they would have to completely reform how they cover politicians. And as the media have become the biggest threat to America, that would be an awesome Trump legacy.

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