

Trump Threatens Changes to Libel Laws



Summary: In the latest spat between President Donald Trump and The New York Times, Trump is threatening changes to libel laws to get back at them.

President Trump is getting nowhere in his fight with The New York Times. In the escalating clash over media coverage, Trump is proposing a change to libel laws to make it easier for individuals to sue media companies over false information. In a post on Twitter, Trump said, “The failing @nytimes has disgraced the media world. Gotten me wrong for two solid years. Change libel laws?”

Trump has not been discreet of his dislike of the media and their manner of coverage. During his campaign, he vowed to make changes. Critics believe Trump wants to undermine the freedom of the press. Current libel laws make it nearly impossible for public figures like Trump to file libel lawsuits against news organizations and win. A 1964 Supreme Court case, *New York Times v. Sullivan*, decided that L.B. Sullivan, a Montgomery County, Alabama commissioner was not libeled by an advertisement in the *Times*. The Court ruled, “We hold today that the Constitution delimits a State’s power to award damages for libel in actions brought by public officials against critics of their official conduct.”

Making such a change to libel laws is not something a President has power over. Libel laws are set by each state and limited by the First Amendment. Trump would have to change the principles of the First Amendment through the Supreme Court or the Constitution itself. Either route would be very difficult but not impossible. A number of other rulings and obstacles would have to be overturned first.

The latest issue the two are bickering over is a tweet by Trump where he stated that the *Times* apologized for their coverage of the presidential election last year. The *Times* was not impressed with his assumption. Publisher Arthur Sulzberger Jr. and executive editor Dean Baquet did send their subscribers a letter after the November election promising to “rededicate” their resources to unbiased news coverage. Their latest letter sent to their reader’s states that they had made no such apology and had underestimated the depth of his support. Their reply tweet was even more to the point, “@realdonaldtrump False, we did not apologize. We stand by our coverage & thank our millions of subscribers for supporting our journalism.”

Trump may have run himself into a hole with his attacks on the media for libel but tries to protect himself from libel lawsuits directed at him. Just a few days ago, his lawyer Marc Kasowitz filed court papers arguing that Trump is immune from a libel lawsuit while serving as President of the United States. Former “Apprentice” contestant Summer Zervos filed a libel lawsuit against Trump.

Trump argues that he can’t be sued until he leaves the presidency because the Constitution creates a special protection for presidents sued by private citizens. He doesn’t claim that he can’t be sued at all, just not until possibly 2025 if he gets elected for a second term. Zervos’ lawyer counters that the Supreme Court ruled that presidents are “not above the law,” especially since the lawsuit is challenging his private conduct. Her lawsuit claims that “Donald Trump called her a liar and unfairly and wrongfully maligned her during his campaign because she has alleged that he had sexually assaulted her.”

The Supreme Court ruled against President-at-the-time Bill Clinton when he was sued by Paula Jones for sexual misconduct. Clinton argued that the constitution’s Supremacy Clause protected him from civil lawsuits until he left the White House but the Supreme Court stated that presidents are only protected from civil lawsuits brought by private citizens regarding official acts. The only reason Trump thinks he can get around the Supreme Court’s ruling is a passage noting that Jones’ lawsuit was only allowed to proceed in federal court, not state court like Zervos’ suit is filed in.

Trump has filed seven libel lawsuits in his lifetime, six of which he has either lost or settled.

Do you think the libel laws should be changed? Tell us in the comments below.

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- [Lawsuit: Donald Trump’s Campaign Director Pulled Gun on Five Workers](#)

- [Donald Trump Wants Immunity from Apprentice Contestant's Defamation Lawsuit](#)

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