



Written by [Selwyn Duke](#) on April 17, 2020

Left Targeting First Amendment With Lawsuit Over Fox News's COVID-19 Coverage

We've seen First Amendment-exercise infringement during the Wuhan virus pandemic, with the arrest of congregants engaging in worship. We've seen Second Amendment sneering, with the [shutting](#) of gun stores. We've also seen a governor [say](#) he "wasn't thinking of the Bill of Rights when" issuing lockdown orders and a police officer [tell](#) a pastor, "Your rights have been suspended." But now a left-wing activist group wants to make the trampling of rights official, with a lawsuit calling on the government to prevent the Fox News "cable network from airing false information about the [virus] pandemic," as the *Times of San Diego* [puts it](#).



The organization resolving here to "never let a serious crisis go to waste" is the Washington League for Increased Transparency and Ethics (WASHLITE). It filed its suit in the Superior Court of Washington, King County.

The group's "[10-page legal complaint](#) alleges that Fox News broadcast false reporting about the coronavirus, including opinion commentary that the pandemic was a 'hoax,'" [reports American Thinker](#). "In particular, statements made by Fox News Channel and Fox Business Network hosts Sean Hannity and Trish Regan on March 9, it is alleged, 'were deceptive because they caused consumers to fail to take appropriate action to protect themselves from the virus, mitigate its spread, and contributed to a public health crisis *and preventable mass death*.'" (Emphasis added.)

"What took this story from the relative obscurity of a small number of legal and media publications to wider attention was [Fox News' 76-page motion](#) to dismiss the WASHLITE lawsuit filed in the same Washington state court yesterday [Tuesday]," *American Thinker* continues. "A copy of the motion provided to this author shows the serious tack that Fox News is taking in response to this unprecedented legal challenge to its operations as a leading news and information provider."

In its defense, the station writes that "the only deception here is in the Complaint. Fox's opinion hosts have never described the Coronavirus as a 'hoax' or a 'conspiracy,' but instead used those terms to comment on efforts to exploit the pandemic for political points."

The organization's suit states that it wants the court to "adjudge and decree that the acts and practices [of Fox News] complained of herein constitute unfair and/or deceptive acts or practices in violation of the [Washington State] Consumer Protection Act," *American Thinker* further relates.

Furthermore, the *Thinker* also informs that WASHLITE asks the court to "issue a temporary and permanent injunction ... prohibiting and restraining Defendants ... [from] continuing or engaging in the unlawful conduct complained of herein, namely, falsely and deceptively disseminating 'News'" that



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interferes with Wuhan virus control measures.

You can read all the [details](#) at *American Thinker* if interested. The larger point, though, is that it's hard to imagine that WASHLITE doesn't know the Fox hosts were calling not the virus but media propaganda a "hoax." Thus, this seems like another attempt to use donors' money to file legal actions and force a hapless target to expend resources defending itself. It's a form of legalized harassment.

Precisely the same thing was done to President Trump, too, where he was accused of calling the pandemic a "hoax," through misrepresenting how his remark was used and then exploiting the claim for political points — by the media (example below). Should a judge issue an "injunction ... restraining" these news entities from thus misrepresenting Trump in the future? Because this would correspond to what WASHLITE wants the courts to do to Fox.

Remember this moment: Trump, in South Carolina, just called the coronavirus a "hoax."

— Dana Milbank (@Milbank) [February 29, 2020](#)

(Remember this moment: *Washington Post* columnist Dana Milbank just lied.)

It is clear from Trump's speech that he did not call the virus a hoax; rather, he called the way Democrats portrayed his administration's efforts a hoax.

The WASHLITE suit reflects a mentality stating that the "end justified the means," that "we don't care whether our request is constitutional, only that it hurts our opponents." It happens all the time: Throw lawsuit monkey droppings at the legal wall and see what sticks (via activist judge epoxy).

And talk about projection. If the government were to prohibit news-organ deception, the mainstream media (MM) would be out of business. Just consider the late March *Tucker Carlson Tonight* video below illustrating how the MM dismissed the virus threat, being, you could say, against the panic before they were for it.

Another good example is CBS New York. Here the station is, from early February, buttressing the notion that people avoiding Chinatown for fear of contagion are guilty of "xenophobia":

To be clear, there's nothing wrong with questioning a policy or mass-hysteria reaction while seeking Truth. But that's not what the MM has done. Rather, they've gone from pooh-poohing to panic, from calling people a little chicken to being Chicken Little, all motivated by anti-Trump bias.

Remember that the MM condemned Trump's China travel ban (announced January 31) as racist, "unjust," and ineffective. But now that the virus threat can't be denied, they condemn Trump for allegedly not doing enough back when they essentially advocated doing nothing.

The MM also regularly identified the Wuhan virus' place of origin (video below) — until they began scorning Trump for doing just that.

Then there was the MM's obsessive agitation against the anti-malaria drug hydroxychloroquine (video below), whose effectiveness against the Wuhan virus is great enough to inspire doctors nationwide — including a physician-in-law relative of mine — to prescribe it for themselves.

Oh, the hydroxychloroquine hate began after Trump expressed hope in the medication. Big surprise.



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Lastly, we have the Counterfeit News Network's (CNN's) pseudo-intellectual in chief, Fareed Zakaria, scoffing in early March at the claim that the virus might have come from a Chinese lab (video below. Relevant portion begins at 1:10). Calling it a "virus conspiracy theory" and condemning Senator Tom Cotton (R-Ark.) for entertaining it, he likened it to fringe leftists' nutty 1980s delusion that HIV was created in a CIA laboratory.

Yet officials now say that the lab theory [is a likely scenario](#). But it's one the Left didn't want to consider because it has long been carrying water for China.

Despite this, conservatives aren't in court asking for an injunction "restraining" the MM. In fairness, though, if left-wing government officials were controlling mainstream media content, would we really notice the difference?

Photo: [Bet_Noire](#) / iStock / Getty Images Plus

Selwyn Duke (@[SelwynDuke](#)) has written for The New American for more than a decade. He has also written for The Hill, Observer, The American Conservative, WorldNetDaily, American Thinker, and many other print and online publications. In addition, he has contributed to college textbooks published by Gale-Cengage Learning, has appeared on television, and is a frequent guest on radio.



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