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May 14, 2021

VIA ELECTRONIC MAIL ONLY

Dr. Peter J. Hotez



Re: Defamation of Sharyl Attkisson

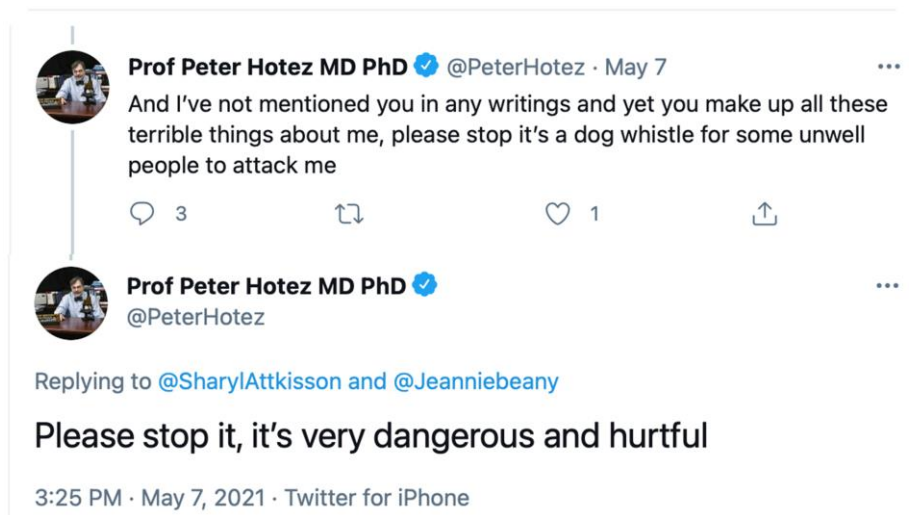
Dear Dr. Hotez:

This law firm is First Amendment counsel to Sharyl Attkisson. We have been retained to pursue redress for your May 6, 2021 false and defamatory accusations against Ms. Attkisson on Twitter. More specifically, you knowingly, maliciously, and falsely accused Ms. Attkisson to your approximate 161,700 followers of endorsing you being doxxed and comparing you to Mengele, thereby encouraging threats against you, in an article she authored. These accusations are false and defamatory per se, and damages to Ms. Attkisson’s reputation will therefore be presumed as a matter of law. While you have taken down the offensive tweet – only after doubling and tripling down on your false claims – a takedown will provide you no cover under the law. To afford you an opportunity to mitigate the reputational harm you have caused to Ms. Attkisson, I hereby demand – as more specifically described below – that you post (and pin to your Twitter account) a complete retraction of your false accusations.

Your false and defamatory May 6, 2021 Twitter post is as follows:



You subsequently posted a series of hate mail etc. that you received, thereby conveying that Ms. Attkisson was responsible for instigating it and other threats against you:



Indeed, when the error was brought to your attention, rather than acknowledge any responsibility, you doubled down. Instead of immediately removing the false and defamatory posts, you publicly engaged with Ms. Attkisson, falsely accusing Ms. Attkisson of placing you in harm's way through "dangerous and hurtful" conduct and falsely claiming that you had not "mentioned" her "in any writings and yet you make up all these terrible things about me."

You also tripled down by posting the alleged article in which Ms. Attkisson "endorsed" a "call[] ... to contact me, providing contact info phones emails, comparing me to Mengele sending image after image of Nuremberg":



As you knew at the time, Ms. Attkisson did none of these things. In fact, Ms. Attkisson had neither seen, heard of, nor read the "Natural News" article and its positions that you claimed she endorsed, nor was she aware of any calls to violence or hate speech against you. She still has not seen or read the article as of the date of this letter. The article you reference in no way endorses a call against you for violence or any other kind of action and in no way discloses any of your contact

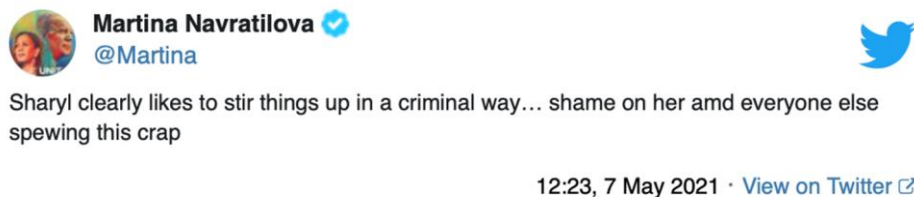
information. That, in defamation, constitutes knowledge of falsity and/or a reckless disregard for the truth, for which you will be held liable for both compensatory and punitive damages in the event of litigation. *Cf. Palin v. New York Times Co.*, 940 F.3d 804, 809 (2d Cir. 2019) (defining actual malice as a statement “made with knowledge that it was false or with reckless disregard of whether it was false or not.”).

The evidence of your particular brand of malice goes beyond the gold standard of actual malice – objective knowledge of falsity – however, and includes a pre-conceived narrative you seek to push and therefore a motive for your defamation, fabrication of the accusation in its entirety, and because you have refused to acknowledge that your accusations are false. *Cf. Palin*, 940 F.3d at 813 (finding sufficient evidence of actual malice where defendant “had a ‘pre-determined’ argument he wanted to make in the editorial”); *Biro v. Conde Nast*, 963 F. Supp. 2d 255, 277-78 (S.D.N.Y. 2013), *aff’d*, 807 F.3d 541 (2d Cir 2015) (acknowledging that “actual malice is [often] through circumstantial evidence,” “including where,” without limitation, “a story is fabricated,” “the defendant knows or suspects that it has committed an error and refuses to acknowledge it,” and/or “has a motive for defaming the plaintiff.”). Moreover, you consciously altered the substance and meaning of Ms. Attkisson’s article on which you relied, also indicative of actual malice. *Masson v. New Yorker Mag., Inc.*, 510 U.S. 496, 511-25 (1991) (explaining significance of intentionally altering source quote and holding that a defendant may have actual malice when it deliberately alters quote, “which alteration results in a material change in the meaning conveyed”); *Westmoreland v. CBS Inc.*, 596 F. Supp. 1170, 1176 (S.D.N.Y. 1984) (malice may be established when defendant “knowingly or recklessly misstates the evidence to make it seem more convincing or condemnatory than it is” or if “it distorts statements of witnesses so that they seem to say more than in fact was said”).

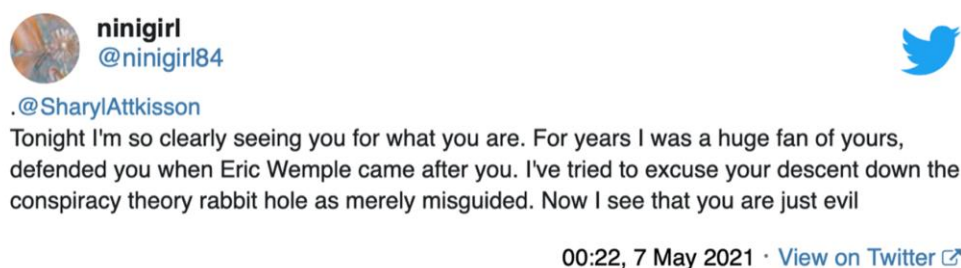
Perhaps most offensive about your tweets is the extent to which they reveal just how hypocritical your accusations against Ms. Attkisson are. You associated her with “white nationalists,” “Nazi and Nuremberg obsessions,” and “a bunch of satanic stuff,” etc., which you knew, expected, and should have reasonably foreseen would result in the very same reputational harm and hate messages about which you, yourself, were complaining. Indeed, within a short period of time, your initial tweet received significant interactions and was amplified by other significant Twitter accounts, exponentially.

While our social media preservation efforts are not complete and there are numerous instances evidencing the direct harm your false and defamatory accusations caused, below are some examples.

Tennis icon Martina Navratilova responded to your tweet by telling her 348,800 followers that your accusations would reveal criminal conduct by Ms. Attkisson:



Others accused Ms. Attkisson of being a conspiracy theorist and “evil,” said she should be “fired,” and took it for granted that she was the person who “instigated this” on you:



In short, you instigated upon Ms. Attkisson the very same brand of hate messages and harm that you were complaining about yourself, and were accusing her of engendering about you. Your false claims also attracted media attention. For example, MSNBC contacted Ms. Attkisson’s employer for comment on your accusations. In a subsequent campaign of media appearances (*see e.g.* <https://twitter.com/KHOUSStephanie/status/1391548483119853568>), you allowed this false narrative against Ms. Attkisson to be perpetuated.

While you cannot undo what has already been done and that damage cannot be fully mitigated, we hereby demand on Ms. Attkisson's behalf that you immediately post to your Twitter a written statement as follows: "On May 6, 2021, I falsely stated that Ms. Sharyl Attkisson was involved in creating or otherwise endorsed efforts to have the public contact me or compare me to Mengele. That was wrong, and I apologize to Ms. Attkisson." We further demand that you pin that tweet to the top of your homepage on Twitter for a period of 7 days and make reasonable efforts to tag in your retraction post all of those who commented or shared your original tweet, as well as the Twitter account of all media outlets at which you made an appearance on this topic.

If you wish to avoid litigation, please confirm to me in writing that this has been accomplished and provide to me a link to your retraction post within 12 hours of your receipt of this letter.

This letter does not constitute a complete or exhaustive statement of our client's rights, claims, remedies, and contentions. Nothing stated herein is intended as, nor should be deemed to constitute, a waiver or relinquishment of any of our client's rights or remedies, whether legal or equitable, all of which are hereby expressly reserved.

Sincerely,

/s/ G. Taylor Wilson

G. Taylor Wilson

cc: Sharyl Attkisson