

October 17, 2022

VIA FEDERAL EXPRESS

Mr. John B. Kennedy
VP, General Counsel & Labor
The Washington Post
1301 K Street NW
Washington, D.C. 20071

Re: Request to Retract Falsehoods in September 2, 2022 Article “Twitter account Libs of TikTok blamed for harassment of children’s hospitals” in *The Washington Post*

Dear Mr. Kennedy:

We represent journalist Chaya Raichik and Libs of TikTok LLC. We write to demand that *The Washington Post* retract certain statements in the above-cited article which are not only demonstrably false, but also fall short of the standards your news organization sets for itself.

LOTT needs no introduction to the *Post*. Your newspaper doxxed Ms. Raichik earlier this year. After the *Post*'s report, our client received death threats, harassment, and other abuse. If LOTT applied the logic of the *Post*'s September 2 article, then your newspaper could be “blamed” for all that. But if reporters censor themselves from reporting facts because their readers might get angry, then journalism is dead. If the *Post* applied this standard to itself, then the world might not have ever learned the details of Watergate or read the Pentagon Papers. Thankfully, your newspaper charted a different course, and it changed our country's history.

LOTT must address something at the outset. Our client has said this before, *see, e.g.*, Libs of TikTok (@LibsofTikTok), Twitter (Sept. 3, 10:56 PM), <https://twitter.com/libsoftiktok/status/1566258963867394062>, and LOTT will say it again: LOTT opposes violence and threats of violence, including against health care providers performing gender transition procedures on minors. Committing or threatening such acts against anyone, let alone against ill children and their families who may be in a children's hospital at any given time, is repulsive and indefensible. LOTT was pleased to learn that authorities arrested a suspect in connection with the Boston Children's Hospital bomb threat, and our client very much looks forward to justice being done in that case. Any assertion or suggestion otherwise is false. Related, it is unfortunate that the *Post* chose not to publish Seth Dillon's offer of a \$20,000 reward for information leading to the arrest of perpetrator, *id.*, as we will never know whether the suspect might have been apprehended sooner.

Recently, LOTT reported on hospitals that are offering and performing “gender-affirming” surgical services on otherwise healthy children under the age of eighteen. This

reporting, which is the subject of your newspaper's September 2 article, involved two hospitals: Children's National and Boston Children's Hospital.

Regarding Children's National, on August 25, LOTT published a recording of a telephone call with employees of Children's National. During the call, LOTT asked whether "gender-affirming hysterectomies" are "a common procedure" performed at the hospital on sixteen-year-old patients. "Yes," the employee responded. "We have all different types of age groups that come in for that." Libs of TikTok, *AUDIO: Children's hospital admits to performing hysterectomies on trans minors*, Aug. 25, 2022, <https://www.libsoftiktok.com/p/audio-childrens-hospital-admits-to>.

LOTT also reported on Boston Children's Hospital. LOTT published a video from Boston Children's website showing the Attending Physician for the Division of Gynecology discussing gender-affirming hysterectomies. Libs of TikTok (@LibsofTikTok), Twitter (Aug. 11, 2022, 1:08 PM), <https://twitter.com/libsoftiktok/status/1557775959217950725>. Our client then reported on evidence showing that Boston Children's updated its website regarding the minimum age requirements for certain gender transition procedures. Libs of TikTok (@LibsofTikTok), Twitter (Aug. 14, 2022, 5:33 PM), <https://twitter.com/libsoftiktok/status/1558929834566471681>.

In the lede of the September 2 article, your journalists reported that "[c]hildren's hospitals across the U.S. are facing growing threats of violence, driven by an online anti-LGBTQ campaign for providing care to transgender kids and teens," and that LOTT is "inspiring the attacks." The article even includes an attempt to link LOTT to QAnon, with the *Post* going so far as to quote "a leading disinformation expert" as saying "that storming a hospital might be their only option to defend themselves and their values." The apparent overall theme of the article is that LOTT is dangerous, and that people will die unless LOTT is silenced.

The *Post* is entitled to its opinions, but it cannot smuggle its opinions into the news section or build those opinions on falsehoods your newspaper publishes. The article contains at least four materially false assertions. First, LOTT is not leading an "anti-LGBTQ" campaign. LOTT's reporting focuses on the sexualization of children and related behaviors, not identities or orientations. In this regard, LOTT's reporting has been cited approvingly by others within the LGBTQ community. *See, e.g.*, Gays Against Groomers (@againstgrmrs), Twitter (Aug. 28, 2022, 3:37 PM), <https://twitter.com/againstgrmrs/status/1563974103211687937> ("We're so tired of people accusing [LOTT] of being anti-LGBT.").

Second, the *Post* reports that LOTT is running a campaign "attacking the facilities," i.e., children's hospitals, "for providing care to transgender kids and teens." LOTT has never "attacked" any facility, much less criticized hospitals for providing "care" generally to anyone, including "transgender kids and teens." LOTT recognizes and appreciates the work children's hospitals do to help children facing a variety of illnesses and medical conditions, from broken bones to cancer treatment. What LOTT *has* reported on and questioned, however, is much narrower—providing gender transition services and treatments to minors.

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Third, the *Post* claims that “in the spring” of 2022, LOTT “baselessly accused LGBTQ teachers of being pedophiles and ‘groomers.’” LOTT has reported on the behavior of specific teachers, but our client has never made blanket assertions regarding all LGBTQ teachers, much less accused them of being pedophiles or groomers or even individual teachers for that matter.

The fourth false assertion in the article is that “Raichik falsely claimed on Aug. 11 that Boston Children’s Hospital performs hysterectomies on children.” The only “claim” this could refer to is LOTT’s August 11, 2022 tweet, which is shown below.



The video itself features a doctor with Boston Children’s Hospital describing “gender-affirming” hysterectomies. Our client’s assertion, based on that video evidence, was that the hospital was “offering” these services to children. LOTT did not report that “Boston Children’s Hospital performs hysterectomies on children,” as the *Post* said our client did, as that was an open question at the time. Your newspaper’s “fact check” contains misinformation regarding what LOTT reported.

These falsehoods have legal consequences. “In the District of Columbia, a statement is defamatory if it tends to injure the plaintiff in his trade, profession or community standing, or lower him in the estimation of the community.” *Guilford Transp. Indus., Inc. v. Wilner*, 760 A.2d 580, 594 (D.C. 2000) (internal quotation marks and brackets omitted). Here, at a minimum, the *Post* defamed LOTT and Ms. Raichik by falsely asserting that LOTT’s reporting itself contained falsehoods and “baseless” accusations when the reporting was actually accurate. The *Post*’s false attacks impugn LOTT’s reputation and accuracy, and thus injure our client’s professional standing. This is in addition to the article’s overall theme, which charges LOTT with inciting violence against children and families, something our client has repeatedly condemned in no uncertain terms, for reporting facts. Again, if this is wrong, then by the *Post*’s standards, all controversial reporting is off limits, including the *Post*’s April 2022 reporting on Ms. Raichik.

We also note that the article does not meet the *Post*’s own exacting standards, which are available on your organization’s website. *Policies and Standards*, Wash. Post,

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<https://www.washingtonpost.com/policies-and-standards/> (last visited Oct. 10, 2022). The *Post* defines “fairness.” “No story is fair,” your newspaper writes, “if it consciously or unconsciously misleads or even deceives the reader.” *Id.* Further, “[n]o story is fair if it covers individuals or organizations that have not been given the opportunity to address assertions or claims about them made by others.” *Id.* Your newspaper also provides for a “solemn and complete” separation of the news and opinion sections, going so far as to provide labels to distinguish the difference, including the term “analysis” for “[i]nterpretation of the news based on evidence.” *Id.*

Under the *Post*’s own definition, the article was not fair. As noted above, the article contains falsehoods and misleading representations regarding LOTT’s reporting. Further, the article contains quotes from three different addressing our client specifically. The *Post* did not give LOTT any “opportunity to address” those claims and assertions, which included claims that LOTT is “very tactical, and purposely tries not to break the terms of Twitter while knowing what she’s doing is causing harm,” about LOTT’s alleged connections to “networked violence,” and that LOTT is “target[ing] children’s hospitals and getting them shut down.” Further, in violation of the separation of news and opinion, the article does not contain any label that it is an “analysis” of events containing interpretations and conclusions.

The article presents additional issues under the *Post*’s standards, The *Post* says “[a]lthough it is increasingly difficult in an Internet age, reporters should make every effort to remain in the audience, to be the stagehand rather than the star, to report the news, not to make the news.” *Policies and Standards, supra.* We cannot help but question the extent to which the lead reporter for the article has transgressed these boundaries in her coverage of LOTT.

Given the *Post*’s legal obligations, and your newspaper’s own reporting standards, LOTT demands that the *Post* take the following actions within two weeks of this letter:

- (1) Retract the assertion that LOTT is “anti-LGBTQ”;
- (2) Retract the assertion that LOTT “baselessly accused LGBTQ teachers of being pedophiles and ‘groomers’”;
- (3) Retract the assertion that LOTT “attack[ed] the facilities for providing care to transgender kids and teens”;
- (4) Retract the assertion that “Raichik falsely claimed on Aug. 11 that Boston Children’s Hospital performs hysterectomies on children”;
- (5) Publish a statement that the *Post* did not provide LOTT with an opportunity to respond to Michael O’Brien, Joan Donovan, and Erin Reed’s comments, and that your newspaper regrets that error; and
- (6) Insert the label “analysis” into the headline of the article.

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The retractions and additions described above should be prominently noted on the current edition of the article on the *Post*'s website.

The *Post* very well might take the position that the standards cited above are not enforceable, and fall back on *New York Times v. Sullivan*, 376 U.S. 254 (1964), to avoid issuing the requested retractions. To be clear, we think the *Post* and its journalists acted with actual malice with respect to our client. Even so, it would be unfortunate to watch the *Post* cling to *Sullivan*, because it would expose your newspaper's standards as nothing more than puffery, and unworthy of the *Post*'s considerable past contributions to journalism.

Please do not hesitate to contact me about any of the above. The above is not intended as an exhaustive statement of our client's claims against you. LOTT reserves all rights.

Sincerely,

A handwritten signature in blue ink that reads "JRL III". The letters are stylized and cursive.

James R. Lawrence, III