

Notes for the Wellstone file Threatened lawsuit frivolous, even malicious

Jim Fetzer (READER WEEKLY, 12 June 2003, pp. 10-11)

A retired attorney, Tom Bieter, who was once a student of mine and whom I used to consider a friend, has announced his intention to bring a lawsuit against me, my UMD colleague, Tim Roufs, and the editor and publisher of the *Reader*. On 29 May 2003, he sent a NOTICE AND DEMAND FOR PUBLISHED RETRACTION. What has Mr. Bieter's dander in a bunch is his belief—based upon his interpretation my work, which I find to be highly creative—that the six columns I have published in *the Reader* on the death of Paul Wellstone (which are archived at <http://www.reader-weekly.com>) libel “President Bush, Republicans, Minneapolis FBI agents, Congressman Jim Oberstar and others.”

In these columns, I lay out the evidence that has become available to me, much of which is a matter of public record, and explain why, on the basis of scientific principles of reasoning, the Senator's death was probably the result of a political assassination, where the White House—specifically, Dick Cheney, Karl Rove, and Donald Rumsfeld—may have been involved. I explain why neither the plane nor the pilots nor the weather appear to have brought his plane down and why the most likely causes are a small bomb, a gas canister, or the use of an electromagnetic weapon, which I consider more likely.

In his DEMAND, Mr. Bieter asserts standing as a Republican to bring such a suit and insists that an adequate response by the *Reader* would require the publication of a piece that he has written extolling the virtues of a “jurisprudential model” as preferable to the scientific model that I employ. Mr. Bieter not only exaggerates my position to make his claims sound remotely plausible but misconceives the purpose of my investigation, which is to discuss what the evidence tells us about the causes of death of Paul Wellstone, not to launch a criminal prosecution of Cheney, Rove, and Rumsfeld.

Mr. Bieter's prospective lawsuit has generated a lot of interest in the press and within the media. A front-page story in the Minneapolis *Star Tribune* (3 June 2003), p. A1 and p. A7, for example, has led to four talk show appearances for me and two television interviews, which produced four different segments over Channels 3 and 10/13 here in Duluth on June 4 and 5—vastly more attention to the cause of death of Paul Wellstone than all my previous efforts combined. For that I am most appreciative.

Before anyone decides that I am obviously off the mark, let me ask a simple question: Do you know what caused the crash? Because if you don't know what caused the crash, then how can you know I am wrong? I don't mean about the details: anyone could be wrong about those. I mean about the very possibility. Don't you find the timing of this accident to be suspicious: a week before the election just as Paul is pulling away? The keen White House interest in this case? Control of the Senate at stake?

And what do you make of Michael Ruppert's reports that members of Congress were telling him that they thought this had been an assassination? Or his call from a CIA guy still in the business who said that it was a hit, that a group of reinvigorated old white men were in charge “and these clowns are nobody to screw with” and that there would be more to follow? What do you make of this?

I was drawn into this gradually, with my first column in November, and most recent March. I was not personally convinced this was an assassination until I was deeply immersed in this investigation.

None of this would have received any significant public attention but for the involvement of Mr. Bieter. I therefore have him to thank for making this story front-page news, where it belongs. We all should want to know what happened to Paul Wellstone in the interest of the integrity of our government. If our representatives are being selected by undemocratic means, it deserves front-page exposure. That would never have happened but for Tom's threats to bring a lawsuit. I am grateful that he has stirred things up to the point where many, perhaps even most, Minnesotans are thinking about what happened to Paul.

That does not mean that his suit is not fundamentally misconceived. Here are some twenty-five reasons why I think his efforts are wholly misguided:

- (1) The columns are not libelous because I have only said that these guys (Dick Cheney, Karl Rove, Donald Rumsfeld) may have been involved. I have not asserted that they actually were involved.
- (2) Bieter has no standing, because he claims standing merely by virtue of being a Republican. But I have stated that I am not talking about your average GOP voter.
- (3) Bieter has no standing because he is not Cheney, Rove, or Rumsfeld.
- (4) What I have written is not malicious, because I believe everything I have written.
- (5) These columns are not malicious because I have evidence for everything I have written.
- (6) These columns are not malicious because they were not written with ill will.
- (7) These columns are not malicious because they were not written with improper motives.
- (8) These columns are not malicious because they were not written without cause or regard for the consequences.
- (9) They do not even fall under libel laws because they are examinations of a public event involving public figures in a public newspaper.
- (10) They are not libelous because they are—for all we know!--true, as the evidence that I have presented suggests.
- (11) They are not libelous because they are—for all we know!--true, as Michael Ruppert has been told.
- (12) They are not libelous because there is a history of criticism of past administrations on grounds as serious as these, including far nastier attacks by the right wing on the Clintons as responsible for the death of Vince Foster, none of which were treated as libelous.

- (13) They are not libelous because this administration has a poor reputation for honesty.
- (14) They are not libelous because this administration may be the most corrupt in American history.
- (15) They are not libelous because this administration has no good reputation for anyone to tarnish.
- (16) They are not libelous because they were written in my capacity as a journalist.
- (17) They are not libelous because they were written in my capacity as a news reporter.
- (18) They are not libelous because I they were written in my capacity as an investigative journalist.
- (19) They are not libelous because the First Amendment guarantees freedom of the press.
- (20) They are not libelous because the First Amendment guarantees freedom of speech.
- (21) They are not libelous because inhibiting inquiry about abuses of government contributes to further abuses of government.
- (22) They are not libelous because exposing government corruption is in the public interest.
- (23) They are not libelous because it would become almost impossible to expose corruption in government if journalists were subject to libel for investigating possible corruption in government.
- (24) They are not libelous because, if it were impossible to expose corruption in government, it would contribute to further government corruption.
- (25) They are not libelous because exposing corruption in government promotes the general welfare and the administration of justice.

Moreover, it could also be argued that these columns are not libelous because this administration has sent hundreds of thousands of young Americans into war in violation of international law, the UN Charter, and the US Constitution, where they have deliberately bought about the death of hundreds, even thousands, of Iraqis, whose deaths therefore properly qualify as acts of murder. And an administration that would send hundreds of thousands of young Americans into war in violation of international war to deliberately kill hundreds, if not thousands, of Iraqis thereby displays its willingness to commit murder.

No doubt, some might argue that (16), (17), and (18), for example, are redundant, depending upon the overlap in responsibilities of columnists, reporters, and investigative journals. But these reasons, in their totality, overwhelmingly suggest that Mr. Bieter's lawsuit is

not only without legal foundation but, if it were to succeed, would be all too likely to have the effect of promoting corruption in government. That would not be in the interests of justice or promote the common welfare. It appears to be frivolous.

I might be more impressed with Bieter's position were it not based upon false and misleading representations of my columns. So far as I can see, he cannot overcome even the first of the reasons I have offered for concluding that his suit is without merit, much less the other twenty-four. But he is welcome to proceed. I await his legal action. Lay on, MacBieter! Let's see where this country now stands.

Interestingly, along the way, in message #143 on the FETZERclaimsDEBUNK website he established in March, Mr. Bieter has outlined the meaning of "malice" by authors and publishers under Minnesota libel law, where the definition of "actual malice" is specified in CIVJIG 50.35 as follows:

"A statement or communication is made with actual malice if the purpose is to injure a person and:

1. It is made with ill will and improper motives; or,
2. it is made without cause and without regard for the consequences."

It does not take a rocket scientist reading the posts on this forum to observe massive and repeated examples where posts have been made from which actual malice could readily be inferred, one rather egregious example of which has been posted by Mr. Bieter himself as follows:

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Msg #76

From: Thomas Bieter <thomasbieter@y...>

Date: Thu Jun 5, 2003 4:30 pm

Subject: Re: [FETZERclaimsDEBUNK] A has-been who would like to return to his days of glory...

Fetzer also argues and believes that the Columbia space shuttle was shot down by President Bush using Fetzer's all-purpose conspiracy weapon, the electromagnetic pulse weapon (EMP).

See his article at <http://www.readerweekly.org>

Anyone would have to assume that a retired attorney—and former prosecutor!--knows what he is talking about when it comes to issues of this kind. But anyone who actually goes to the web site he gives and reads the column he cites will be astounded to discover he has grossly misrepresented my position in a fashion that implies malice. So there's a five minute test of Mr. Bieter's honesty and integrity! His suit not only appears to be frivolous but actually even malicious.

Mr. Bieter seems to think that I am bringing a criminal action against the Bush administration, where, in his view, I cannot satisfy the elements for legal prosecution of Cheney,

Rove, and Rumsfeld for causing the death of Paul Wellstone. But that is not what I am about. I am trying to figure out what the available evidence has to tell us about his death. I am trying to figure out the causes of the crash.

There is no point in waiting for the NTSB to tell us, because the NTSB itself may be covering it up. We won't know whether or not what we are told by the NTSB makes any sense if we don't understand of the evidence and how it relates to conclusions. The evidence that I have reported, moreover, suggests that the FBI and the NTSB are indeed engaged in a governmental cover up.

I do not make these things up. I cannot change the evidence. The plane is not Republican or Democrat. The pilots are not ideologies. The weather is not a political platform. If neither the pilots, the weather, or the plane were responsible for this crash—as the NTSB's own simulations, which were reported in *The Pioneer Press* (26 March 2003), which Tim Roufs has posted on Mr. Bieter's forum as message #48—now imply, then some other factors were responsible.

Assassination, of course, does not imply conspiracy, and I do not contend the scenario that I believe to be most likely could not be wrong. It might have been a lucky shot with a rifle by a lone, pro-life gunman! But I am hardly the only one to suspect foul play. Example may be found at other web sites by authors who find the kinds of evidence I cite have also led them to conclude this was no accident, such as <http://www.investigate911.com/wellstonemurder.htm>. I believe this opinion is rather widely held.

This is hardly the first time that the possibility has been raised of White House involvement in murder. The right wing was unrelenting in promoting the hypothesis that Bill and Hillary were responsible for the death of Vince Foster. Where was Mr. Bieter when his heroes, Rush Limbaugh, G. Gordon Liddy, and (I surmise) Jason Lewis were making their case against them in far more vivid language and with a vastly harsher tone than anything I have had to say about George Bush and his cronies. The hypocrisy of the right is overwhelming. They can dish it out but they can't take it.

Every American should want to get to the bottom of what happened in order to seek reassurance this is not the latest act of a new fascist state. If we passively and uncritically accept what our government tells us, then we will never know. Better to dig in and sort things out for ourselves. Let me reiterate the last paragraph from the *Star Tribune*.

I am not doing this off the top of my head. I'm not just interested in stirring up some s..t-storm. I'm interested in the truth. If I can become convinced that I am mistaken about this, I will gladly accept that and sleep easier at night. Because, believe me, the implications of this are profoundly disturbing.

Jim Fetzer, a professor of philosophy at UMD, has an academic web site at <http://www.d.umn.edu/~jfetzer/> and a web site devoted to issues of public concern at <http://www.assassinationscience.com>.