

# Legacy media antitrust action

---

 [cnav.news/2023/01/12/accountability/news-media/legacy-media-antitrust-action/](https://cnav.news/2023/01/12/accountability/news-media/legacy-media-antitrust-action/)

By Terry A. Hurlbut

January 12, 2023



A coalition of alternative-medicine practitioners and newsletter editors filed a massive antitrust action against four big legacy media firms. These firms are the legacy media half of the Trusted News Initiative which the British Broadcasting Corporation founded in 2020. This action directly challenges the brazen declaration by legacy media that they are, and by right ought to be, arbiters of truth.

## Legacy media team up with Big Tech

---

Reportage on this lawsuit comes from [\*Creative Destruction Media\*](#) and [\*Children's Health Defense\*](#). These are the two *organizational* plaintiffs in the action, along with [\*Trialsite News\*](#). Other named plaintiffs include Joseph R. Mercola, D.O., and Ty and Charlene Bollinger.

The British Broadcasting Corporation (BBC, or Beeb) founded the [Trusted News Initiative](#) (TNI) in March of 2020. The immediate directory name in the URL says it all: “Beyond Fake News.” Hence, to them, anything they report is true, and anything any *alternative media* report is false, or at least unreliable.

The Trusted News Initiative is a unique global partnership bringing together organisations across media and technology to tackle harmful disinformation in real time. The partnership focuses on moments of potential jeopardy, that could threaten life or the integrity of electoral processes.

Anyone who remembers our coverage of [The Twitter Files](#), and of the [\*Intercept\*](#) piece revealing that Big Tech players are [State actors](#), will recognize this language. The Beeb and its “partners” essentially allege that all who oppose them are guilty of:

- Reckless endangerment of human life, chiefly by medical advice they allege has a false premise, and
- Wrongful interference in elections, chiefly by suggesting that election integrity is not what it should be.

## Who are involved?

---

The TNI About page lists the following firms as “core partners”:

- Associated Press,
- Agence France-Presse,
- The Beeb,
- Canadian Broadcasting Corporation and its radio arm, Radio Canada,
- European Broadcasting Union,
- Financial Times,
- Information Futures Lab,
- Google and its partner YouTube,
- The Hindu,
- The Nation Media Group,
- Meta (parent of Facebook and Instagram),
- Microsoft,
- Reuters,
- Reuters Institute for the Study of Journalism,
- Twitter,
- The Washington Post,
- Kompas – Indonesia,
- Dawn – Pakistan,
- Indian Express – India,
- NDTV – India,
- Australian Broadcasting Corporation – Australia,
- SBS – Australia, and
- NHK – Japan.

NDTV occasionally carries material by *Epoch Times* hosts. However, *The Epoch Times* is not part of TNI and, furthermore, maintains its own video outlet.

The TNI runs a Trust in News conference every year. They hosted the first two in 2021 and 2022.

## The lawsuit and its choice of defendants

---

CHD, CD Media, Trialsite, Dr. Mercola, the Bollingers, and other “natural persons” (including Robert F. Kennedy, Jr.) filed the action. They filed it in the United States District Court for the Northern District of Texas, specifically in Amarillo. CHD maintains a [link](#) to their 96-page complaint.

CHD also maintains an [Executive Summary](#) of the complaint.

The plaintiffs accuse TNI of collaborating as a group to “deny critical facilities or market access to rivals.” Such a collaboration is a *group boycott* and is against American [antitrust law](#). (*Northwest Wholesale Stationers, Inc. v. Pacific Stationery and Printing Company*, 472 U.S. 284 (1985)). They also cite *Associated Press v. United States*, 326 U.S. 1 (1945) on the point of freedom of the press. This highly valuable case should *put paid* to the argument that “private companies may do as they please.”

The First Amendment ... rests on the assumption that the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public, that a free press is a condition of a free society. Surely a command that the government itself shall not impede the free flow of ideas does not afford nongovernmental combinations a refuge if they impose restraints upon that constitutionally guaranteed freedom.

The plaintiffs chose to sue four of the TNI core partners: Associated Press, The Beeb, Reuters, and *The Washington Post*. In their action, the plaintiffs complain of a group boycott and restraint of trade.

## The TNI shows incredible brass

---

The plaintiffs would almost seem to have a *prima facie* case. If their quotes by former TNI chief Jessica Cecil are accurate, then whoever wrote her script blissfully ignored the case of *AP v. US* and totally missed, or flatly did not believe, what Chief Justice Felix Frankfurter’s opinion implied for the legality – or illegality – of their partnership and aims.

The BBC convened partners across the world in an urgent challenge: at times of highest jeopardy, when elections or lives are at stake, we asked, is there a way that the world’s biggest tech platforms from Google, YouTube, Facebook and Instagram to Twitter and Microsoft and major news organisations and others ... can alert each other to the most dangerous false stories, and stop them spreading fast across the internet, preventing them from doing real world harm?

## News Leader? WTF!

---

Or consider this statement by James Angus, defining “[the role of the news leader](#).” *News leader?*

Of course, the members of the Trusted News Initiative are ... rivals ... But in a crisis situation like this, absolutely, organizations have to focus on the things they have in common, rather than ... their commercial ... rivalries. ... [I]t's important that trusted news providers club together.

Because actually the real rivalry now is not between for example the BBC and CNN globally, it's actually between all trusted news providers and a tidal wave of unchecked [reporting] that's being piped out mainly through digital platforms . ... That's the real competition now in the digital media world.

Of course, organizations will always compete against one another for audiences. But the existential threat I think is that overall breakdown in trust, so that trusted news organizations lose in the long term if audiences just abandon the idea of a relationship of trust with news organizations. So actually we've got a lot more to hold us together than we have to work in competition with one another.

Who does he think he is? Charles Townshend, of Intolerable Act fame? He *admits* that the TNI exists to stifle a class of rivals *they specifically define* as alternative media and medicine. That rumble you hear is Chief Justice Frankfurter clearing his throat, or spinning in his grave.

## Why only legacy media defendants?

---

CHD President and General Counsel Mary Holland explained why CHD and its fellow plaintiffs sued legacy media outlets alone. The Big Tech firms all have headquarters in Northern California. (Twitter still has its headquarters in San Francisco, for example.) These firms require binding arbitration, and that users file any Requests for Judicial Intervention in Northern California courts. Not caring to contend with judicial bias, CHD and the others chose to file in northern Texas. Interestingly, they filed in the *federal* court in Amarillo, *not* the Superior Court of the State of Texas.

But not to worry, said Holland. If they can show a *conspiracy* between the four named defendants, and the other TNI partners, *those partners are liable*. The statements by Cecil and Angus constitute evidence on that very point.

The plaintiffs mainly concern themselves with the very narratives the TNI sought to protect. Most of these concern COVID-19 and the various vaccines. CD Media cites a laundry list of claims TNI considers "misinformation," that one will recognize in YouTube's Community Guidelines. (Except: YouTube has since quietly dropped some claims from their own laundry list. Twitter had one, but literally deleted it.) Besides that, the suit cites TNI trying to suppress the Hunter Biden Laptop story.

## Specific legacy media action

---

The lawsuit cites information from the Twitter Files to show “inter-firm communication and coordination,” according to CD Media. Furthermore they discuss Joseph R. Mercola’s complaint. YouTube erased his account on September 29, 2021. Mercola had to read about it in *The Washington Post*. Your editor noticed something was wrong when Mercola’s most famous video, “The Town of Allopath,” became unavailable.

Holland makes much of TNI acting as “a global media monopoly.” But she actually need not show that. The Supreme Court’s opinion in *AP v. US* specifically states, “That AP had not achieved a complete monopoly is irrelevant.” Furthermore:

Although true in a general sense that an owner of property may dispose of it as he pleases, he can not go beyond the exercise of that right and, by contracts or combinations, express or implied, unduly hinder or obstruct the free flow of interstate commerce.

And: “Trade in news carried on among the States is interstate commerce.”

This lawsuit joins *Missouri v. Biden* as yet another case to break the “trust” (in the Sherman Antitrust sense) of which the *Trusted News Initiative* is definitely a part. That first case dealt with legacy media and social media as State actors. This case deals with them as conspirators in management of the news. It also proves once again the maxim that the courts are the new conservative theater.