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A Trump Lawsuit Against the BBC Would Face Serious Hurdles

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Legal experts say President Trump's litigation track record offers both hope and warning to the British public broadcaster, which he has threatened with a \$1 billion suit.

For the BBC, President Trump's threat of a \$1 billion lawsuit has thrust the already-reeling British broadcaster into uncharted territory. For its American media counterparts, being threatened by the litigious president is familiar terrain.

The record of Mr. Trump's litigation in the United States offers both hope and warning to the BBC, which has been convulsed by the resignation of two top executives, and by uncomfortable questions about its journalism.

As in some of the American cases, lawyers said, Mr. Trump would face formidable hurdles if a suit ever went to trial. He would have to persuade a court that a misleadingly edited clip in a BBC documentary caused him to "suffer overwhelming financial and reputational harm," as his lawyer claimed in a letter to the BBC on Sunday.

While the broadcaster has yet to issue a formal reply to Mr. Trump, its board chair, [Samir Shah](#), has apologized for the splicing together of footage of the president's speech on Jan. 6, 2021, in a way that suggested a more direct link between his words and the insurrection at the Capitol hours later.

That concession, lawyers said, may weaken the BBC's position somewhat. But there are other factors that suggest it would still be hard for Mr. Trump to prevail over the BBC in a Florida court, which is where his lawyer, Alejandro Brito, indicated he would file the suit.

Most important, perhaps, two senior executives who had oversight of the BBC Panorama film, "Trump: A Second Chance?", both said they believed it never aired in the United States. They asked for anonymity because they did not have permission to speak publicly. The BBC did not respond to a question about where the documentary was distributed.

If the executives are right, that could allow the BBC's lawyers to argue that Florida is the wrong jurisdiction to hear the case.

“The court in Florida may potentially rule that the proper jurisdiction is England and Wales, as that is where the vast majority of viewers saw the broadcast,” said **Daniel Taylor**, a media lawyer at the London firm **Taylor Hampton**.

The problem for Mr. Trump is that in Britain, where the film aired in October 2024, he has missed the 12-month statute of limitations for filing a libel suit. Britain would have been a less attractive venue, in any event, because the maximum damages awarded in such cases is capped at about 300,000 pounds, or \$395,000.

“Obviously, the damages he can claim would be much higher in the U.S.,” Mr. **Taylor** said.

Even if Mr. Trump survived a jurisdictional challenge, lawyers said he would face a high bar in proving that the BBC showed “actual malice” in splicing the footage of his speech — the standard for a libel judgment in American law. To do so, his lawyers would need to obtain evidence, like internal emails or texts, from the BBC and the production company, October Films, through a discovery process.

The BBC, in turn, would be entitled to demand from Mr. Trump evidence of the financial or reputational harm the broadcast caused him. It is far from clear, lawyers said, that the president would welcome that.

“There would need to be a showing, by clear and convincing evidence, that the key players involved in the editing published the falsehood deliberately or acted with a high degree of awareness of its probable falsity,” said RonNell Anderson Jones, a professor of law at [the University of Utah](#).

Beyond the BBC’s actions, lawyers said, Mr. Trump would also need to demonstrate that the editing of the film substantially altered the way people viewed the events of Jan. 6, 2021, which began with the president rallying supporters in front of the White House and ended with crowds rampaging on Capitol Hill.

The BBC acknowledged that the footage was edited to take separate statements by the president — “We’re going walk down to the Capitol,” and “We fight. We fight like hell” — which were uttered about 50 minutes apart, and made them sound like a single statement that could be interpreted as a call to arms.

[BBC News](#) has said it did not intend to mislead anyone. It said in a statement that its editing meant “to convey the key messages of the speech in a condensed format, since the whole speech was over an hour long.”

Legal experts noted that multiple documentary accounts of Jan. 6 suggested that the president incited the crowd to attack the Capitol, a conclusion endorsed by the House of Representatives, when it voted to impeach the president on a count of “incitement of insurrection.”

“There is a plausible argument that it did not alter the meaning of what he said during that speech,” said Lee Levine, a first amendment lawyer who has represented media companies, including the BBC and [The New York Times](#).

Mr. Levine said the BBC’s admission of an “error in judgment” in the editing of the film would make it difficult for the broadcaster to dismiss Mr. Trump’s complaints out of hand. But he said previous lawsuits show that the president is often less interested in a legal victory than a lucrative settlement.

Earlier this year, Mr. Trump sued [The New York Times](#) and three of its reporters for \$15 billion for what he claimed were false and malicious stories about him that appeared in the newspaper. He also sued [Penguin Random House](#), the publisher of a book written by two **Times** reporters.

Judge Steven D. Merryday, of the U.S. District Court for the Middle District of Florida, initially rejected the complaint, saying a complaint “is not a public forum for vituperation and invective.”

In some of his actions against media companies, Mr. Levine said, Mr. Trump has been able to wield the threat of other government action — legal or regulatory — to compel them to settle even dubious cases.

In July, [Paramount Global](#), the owner of [CBS](#), [agreed to pay \\$16 million](#) to settle Mr. Trump’s lawsuit against the CBS News program “60 Minutes” for the way it edited an interview with [Kamala Harris](#) in 2024, when she was the vice president and Democratic presidential nominee. At the time, Paramount and [Skydance](#) were seeking federal regulatory approval for a merger — approval that came later that month.

While the BBC does not have major business operations in the United States, it does have a network of news bureaus and its programs are carried on [BBC America](#), a cable channel owned by [AMC Networks](#). With its partial public funding in Britain, it also has quasi-state status, which Mr. Trump could use to pressure the [British government](#).

The **Times** and other media outlets, including The Wall Street Journal, have fought lawsuits or threats of suits from Mr. Trump. But Mr. Levine noted that in Britain, where libel cases are easier to win, settlements are more common. He represented the BBC in a privacy case in the United States in 1990s, which the broadcaster settled.

“Whereas in the U.S., there is a stigma to a U.S. company settling a defamation suit,” Mr. Levine said. “That’s not the case in the U.K. Media companies in the U.K. settle defamation suits all the time.”

[Kim Darroch](#), who served as Britain’s ambassador to Washington during Mr. Trump’s first term, said that given the BBC’s unique stature and funding, the decision of how to respond to the president’s threat of a lawsuit would likely be as much political as legal or commercial.

“I’m not sure, politically, there’s much support in this country for the BBC to whack out a lot of money to Trump,” Mr. Darroch said. But, he added, “This may be the moment for a little abject groveling.”

Jane Bradley contributed reporting

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