

Judge tosses conservative activist's suit against magazine

By KIMBERLEE KRUESI, Associated Press

BOISE, Idaho (AP) — An Idaho judge has ruled that a liberal-leaning magazine did not defame one of Idaho's wealthiest people in an article that said the businessman outed a local reporter as gay.

Fourth District Judge Darla Williamson tossed out Frank VanderSloot's lawsuit against Mother Jones magazine on Tuesday.

VanderSloot, the CEO of health care products company Melaleuca, sued Mother Jones two years ago, contending that a 2012 article about him and a tweet promoting the article were false and prompted national criticism.

While writing about VanderSloot's \$1 million donation to former Republican presidential candidate Mitt Romney, the Mother Jones article said that VanderSloot outed Peter Zuckerman as gay when he purchased a full-page ad in the Post Register, a newspaper in Idaho Falls. VanderSloot's ad criticized the reporter's extensive work covering child sexual abuse and scandals in the Boy Scouts.

VanderSloot maintains that the reporter's sexual orientation was publicly known before the advertisement hit newsstands in conservative eastern Idaho.

In her ruling, Williamson wrote that some of the statements VanderSloot took issue with were "substantially true" and others — including a description of VanderSloot as "gay-bashing" — were open to such a wide spectrum of interpretation that they could not be proven true or false. She also said the statements were opinions and so can't be held as defamatory.

"The words impute a political position taken by VanderSloot critical of gay-oriented issues, and accuse VanderSloot of publicly identifying Zuckerman's sexual orientation, all in the heat of a national political campaign," the judge wrote.

Still, the judge said she was troubled by Mother Jones' reporting style, which she said was biased. Williamson said Mother Jones outed Zuckerman on a much larger scale on the magazine's website and Twitter account. The judge added that the news organization used the reporter's homosexuality to promote its own agenda.

"Contrary to its perception of itself, this case illustrates the non-objective bias of Mother Jones and its approach in seeking out only the negative to support its position, resorting to sophomoric bullying and name-calling to lead the lead the reader to adopt its particular agenda," Williamson wrote.

Mother Jones did not immediately respond to requests for comment.

VanderSloot says he's pleased that the judge found the reporting was biased. He has created a \$1 million fund to defend conservatives against media outlets that he considers to be liberal.

"The judge felt that Mother Jones' actions were so atrocious, she wrote three full pages chastising and exposing Mother Jones' reporters, methodologies and biases," VanderSloot said.

He added that he expects the fund, named the Guardian of True Liberty, to quickly grow with donations from other colleagues also wanting to sue news organizations over critical press coverage. However, VanderSloot said he does not expect the fund to be used against Idaho media, rather national news organizations like Mother Jones.

"It is an egregious wrong for anyone to take somebody's life and try to destroy their legacy by changing it up with falsehoods," VanderSloot said. "It will be a mission for me for the rest of my life to hold the press accountable. The press is so protected, as shown in this case."

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