



Fox Rothschild Podcast

The Presumption of Innocence

Episode 62: The Tragic Toll of Conspiracy Theories: The Seth Rich Story

Featuring Matt Adams of Fox Rothschild and Andy Kroll

Matt: Hi everyone, and welcome back to "The Presumption of Innocence," a podcast brought to you by the White-Collar Criminal Defense and Regulatory Compliance Practice at Fox Rothschild.

One of my favorite types of programs that we put together for you here at "The Presumption of Innocence" is when we take a deep dive into a true crime story. We've done it in the past and we're going to do it again today. We have a return guest, our guest from episode 59, Andy Kroll from *ProPublica*, an investigative journalist known for his in-depth reporting on the intersections of politics, money and power. He's a national reporter right now for *ProPublica*, where he covers justice and the rule of law.

He was on episode 59 of "The Presumption of Innocence," talking about his perspectives on enforcement priorities of the second Trump administration, and its focus on the Department of Justice. But today he's going to talk about his book, *A Death on W Street: The Murder of Seth Rich and the Age of Conspiracy*.

Andy Kroll, welcome back to the program.

Andy: It's great to be back. Thanks for having me.

Matt: So Andy, as I said, one of my favorite things to do on "The Presumption of innocence" is to talk through a true crime story. And in our, say, last decade there is no more captivating a true crime story than that of Seth Rich.

And I want to begin today where you left off on episode 59 when you promised to come back and have this conversation with me--

Andy: Indeed.

Matt: --About your book. And that is, why Seth Rich? Why did you take up the mantle of this story? And how did that all formulate? Because I find it fascinating that this was a guy that you would play soccer with and have a couple beers with, right?

Andy: That's absolutely right.



One, great to be back. Thanks for having this conversation. I think that talking about the book now will be interesting because we are living in the world that the book-- through no real effort of my own, I can't claim to be, you know, prophetic-- but we're living in a world that this book was directionally pointing us towards. So it's a bit eerie, but it's also something I've thought so much about in the last, gosh, decade at this point.

I wish I could say that I knew this story would be this kind of parable or this prediction for American culture and media and politics. But really, the book started out in the most personal of ways. There was a guy I knew in DC who was roughly my age, roughly my background. He's from Southwest, from Nebraska. I'm from Michigan.

Matt: Midwesterners.

Andy: Roughly the --Midwesterners, yep, Big 10 representing hard here.

Roughly the same interests and career trajectory as much as you could say you have a trajectory when you're 25-, 6-, 7-years-old. But you know, he followed these dreams, an interest in politics, and came to Washington to work in politics. And I followed these dreams and interests in politics and journalism, came to DC to work in journalism. And I knew him. We ran in similar circles, you know, the kind of nerd-packs of DC people who you know, used to wear lanyards out to happy hour as one does on Capitol Hill here in Washington. Ashamed to admit it.

But then on July 10, 2016, the unimaginable happened. This young man, Seth Rich, was walking home from a bar late at night in a rough part of town, way in the early morning hours, in a place where he shouldn't have been at a certain hour of the day in the nation's capital. And he is shot and killed just two blocks from his house in Washington, DC.

Well-liked guy with his whole future ahead of him. And those of us who knew him are saddened. It's tragic. We feel horrible for his family. There's that sense as well, for a young person in DC of a, a bit of a there but for the grace of God, go I. 'Cause I've certainly walked home from a bar probably a little too late than I should have here in my home city. Instead of the story ending as it were there, a, a family grieves --

Matt: It was just beginning, right?

Andy: --A son who was killed. Yeah, it was just a start. This entirely new, strange saga begins. And that's really the starting point of the book.

Matt: Yeah, and I was struck by the prologue and the way that you set the table for this story. And I'll just, if you don't mind, just read a few paragraphs.

Andy: Sure. Yeah.

Matt: Talking about those events that transpired on the early hours of July 10, 2016. You write: "We would all do what we were taught as children. Let the dead rest in peace." But you continue, "That isn't what happened. The story of Seth Rich's life and death didn't go away. Instead it mutated into



something else entirely. Hashtags. Memes. Conspiracy theories that spread around the world in the hands of a small band of opportunists and operatives. The conspiracy theories about Seth would become political weapons. In the minds of many more people, these theories would become an article of faith and modern folklore. They would help elect a president and birth a new online religion. They would reach as far as the CIA headquarters and the halls of the White House. They would pit his unassuming parents against the world's most powerful news network in a legal battle with implications for truth, fact and decency. They would reveal the flaws and breakdowns in American society unlike any story that had come before it."

Those are profound words, Andy. And I often refer to some of the conspiracy theorists and the folks whose images to me is disheveled in their mother's basement, creating online rumors, but at the end of the day, this is deadly serious for our country. I think this is more of a post-truth era that we are living in where everybody's a journalist. Anybody with a smartphone can post to social media and spark rumor, innuendo without vetting it, without doing the types of things that you and your colleagues at *ProPublica* do to run down a story. Was this really the birth of conspiracy-theory journalism and the idea that large segments of our population could be manipulated by falsehoods presented online?

Andy: It's a good question. And I think it's one of the biggest core questions that I try to interrogate in this book. You know, you used that term "post-truth" in your question. The tagline for this book-- and it was the tagline long before any single page of the book even existed-- was that this story is a true crime story for the post-truth era. Now, folks out there are, probably thinking, you know, what do I mean by post-truth? And, you know, I'm talking about this political moment that we live in now and, and, and really have been in for maybe the last 10 years or so with social media, with extreme polarization in politics. And you have all of those elements in this story. But at the same time, you have this through-line, which is really a, a, true crime story in the classic, purest sense of that genre.

I hadn't seen anyone before put those two together and that's really what drew me to this story, and why I decided to turn it into a book, was that this had all the elements of true crime on the one hand, but it also had all of the facets and complications of American politics in the 21st century.

And, you know, so to your question: conspiracy theories and how they have blown up in this last decade as laid out in the book. Conspiracy theories have been around for as long as human beings have had the mental capacity to see something in their world, wonder about what it is, and come up with an explanation, a narrative, a story about it that may or may not be factual. I, I, think as far back as humans sitting in caves seeing light dancing on the walls, one person back then would say, oh, that must just be the sun peeking through. And another person thought, oh, this must be some magical or evil deity playing tricks on us, coming up again with this sort of fantastical theory to explain something that they don't quite understand.

That is the common denominator of conspiracy theories. That's just the way the human mind is wired, frankly. You look at psychology, you look at sociology, you look at history, you look at politics, you see these patterns over and over again of people being confronted with something in their lives, something in the news, something in their country, community, whatever, that they can't quite make sense of. That scrambles their understanding of the world. And they reach for a kind of theory, an



explanation, that may or may not be tethered to the known facts, the evidence, the data, reality, to explain what they're confronted with.

So, you know, we've been coming up with these complicated, bespoke creative theories for as long as humans have been around. And, that is what it happened in the case of Seth Rich. This story begins with a classic street crime, a horrible, tragic street crime in Washington, DC, and then it just spirals outward from there.

And I want to be clear too, and this comes through in the book as well, this is not a left, right, blue, red, Democrat, Republican thing. Anyone is capable of this. And in fact, in the book you'll see that everyone is capable of this.

Matt: Yeah, and I think the book does a terrific job of really vacillating between the story of Seth Rich the human being, the son, the brother and the productive member of society, for all intents and purposes. Whether you like who he worked for or what he was involved in, you could almost take Seth Rich and substitute any other twentysomethings, as you said at the outset, as a guy on the up. You know, he was doing what twenty-somethings do with getting his career started. And he was socializing, like many of us enjoy. And he was struck down dead in the middle of the night.

You do a great job of kind of going back and forth between telling that human story and then the story of really what happened in the fallout of his death, as the DC police and investigators sought his killer to no avail. There was precious little evidence, very little lead. And there was this gaping hole in the story of his demise because there was no apparent motive. It just seemed like a horrific crime of violence in the middle of the night that shook this community of young professionals. And in place of evidence came these wild theories.

So talk to us about where your reporting started about the evolution of those wild theories. And they were ranging, like you said, they weren't just one theory or another, that that took shape and hold. Ultimately, some got more traction than others.

Andy: Mm-hmm.

Matt: But where did the conspiracy theories to fill the void in the explanation for why this man died start to pop up?

Andy: They started to pop up almost immediately, these theories. And that is the real difference between the information environment we live in now and 20 years ago, or 50 years ago. Speed is the big change.

As I was saying earlier, you know, conspiracy theories have been around. You can go back, JFK, John Gotti, what, whatever you want to do. You know, we didn't really walk on the moon, it was actually a Stanley Kubrick, you know, movie or something. These, crazy theories have been around for a long time, for hundreds of years. But what's so different now is-- and I lay this out in the book, both sort of explicitly and also through the characters in the story, is --one, social media has accelerated the creation and the spread of these theories in a way that we have never seen in human history. These



tools, social media, tools-- X, then Twitter, you know, Facebook, Instagram, live streaming, YouTube, et cetera-- they're free. So these tools are hugely powerful and accessible to everyone.

And then you have this political polarization that stirs into this whole information system, all of this super powerful technology, and what you get is what happens in the first 48 hours after Seth is killed, is theories appear on Reddit. They appear on Twitter-- now X. They appear on Facebook and YouTube. And they're just popping up all over the place with people saying, huh, you know, this looks suspicious. And really in that moment there is a lot of, oh, well, the Clintons must have done this because this long-standing theory that somehow the Clintons had a long history of knocking off their political rivals and underlings, that was kind of already in the ether.

Matt: He worked for the DNC. He worked for the organization that was attempting to get Hillary Clinton elected as president of the United States.

Andy: Right, yes. But the thing you find though, is, the tantalizing theory, however unproven, baseless it is, is so much more interesting than the obvious answer. I mean, it's the same thing with the circumstances of his death. Every cop I talked to, every federal prosecutor, every law enforcement expert said, classic case of wrong place, wrong time. And, you know, uh, uh, an armed robbery in a neighborhood that escalated into violence is something that had not only happened in that neighborhood repeatedly that summer, but happens all the time, tragically, in the District of Columbia. But without a mug shot, without a name, without a break in the case, that vacuum or that question mark. Even with the experts saying this is what this almost certainly is, is filled with wild theories of Russian hitmen or Clinton hitmen. And it's just incredible how fast people moved to fill the information space with these theories about him.

And again, it was people who were already kind of primed to say, oh, the DNC is rigged and corrupt. And then it was oh, well the Clintons have been doing this for years so of course it was them. You had this weird horseshoe theory meeting moment where these two otherwise completely incompatible segments of the American populace actually found this weird overlap in this tragic moment.

Matt: So this is July 2016. Just a couple of months away from one of the most impactful presidential elections of our lifetime. And it was in the heat of quite a bit of... if at that time it wasn't fact, certainly innuendo and rumor that foreign forces were working to engage in information warfare in the United States. With the WikiLeaks situation, the hacking at the DNC.

So, already the rumor mill, that hamster wheel of perpetual news cycle of, you know, searching for a story, so to speak, and coupling that with this element of society that, for free, can go out and pretend they're, you know, a, a reporter. We've already got, sort of, the charcoal cooking, so to speak, on a three-alarm fire.

Andy: Right.

Matt: And I think we can't lose sight of the fact that that was the historical context that we were living through at that time.



So tell us about how these divergent thinkers coupled in, in this climate of innuendo and rumor and the search for meaning in a heinous crime came to coalesce around these conspiracy theories? And, where did they start and which ones took hold and which ones didn't?

Andy: I started thinking about the way these theories spread in an almost pandemic-like way, in an almost biological kind of way. Because you know, you have this idea of the super-spreader event. Something is kind of out there and it's ebbing along at a low level. And that, again, that could be a, uh, a conspiracy theory, could be a, a virus of some kind. But it takes these sort of super-spreader events where there's a spike on the chart, if you will, to take whatever this event is to a much bigger level. And, and to kind of bring in the case of these theories about Seth Rich, to kind of organize them or bring a, a, a sort of framing to them, that in a way that they weren't before, and certainly in a way that they weren't in the, again, a week or two after he was tragically killed.

What the big super-spreader event in this case was, in the beginning, was a TV appearance by the creator of WikiLeaks. A guy, who I'm sure people listening here will have heard of, named Julian Assange. Assange was, as you pointed out, square in the middle of the 2016 campaign. Even though I'm sure people have tried to purge the events of that insane year from their mind, let me remind you, sorry, that Assange, of course, was in the middle of the campaign. His WikiLeaks organization was sort of parceling out these emails that had been hacked from the Democratic party and, and given to WikiLeaks. And they were kind of putting them out there a bit at a time.

But as this was happening in July and August and September of 2016 and when the campaign is really heating up --presidential campaign that is -- Assange goes on Dutch television, of all places. And he gets asked, where did you get these pilfered emails from? What's the source? And then under further questioning, the interviewer asks, you know, there's evidence emerging that a foreign adversary of the United States, the Russian government, obtained these via hacking and, and somehow maybe provided them to you, Julian Assange. What about that?

And he does this little trick. He mentions Seth's murder in DC and then he says in the next breath, our sources, WikiLeaks sources, get concerned. They're worried when they see things like that happen. Now, did he come right out and say, oh, Seth Rich had something to do with this? No, he never did and he never has. But he, he sort of kicked up this bit of dust. He, he planted this idea, this bit of innuendo, into an already sort of frenetic news cycle. And people on the internet saw that, read into it what they wanted to already believe, that this young man who had been killed, who had worked for the Democratic National Committee, had something to do with this hack and leak operation.

And that was really the big bang moment when this sort of fringy online conversation went mainstream. It went, you know, to cable television. You saw political influencers mentioning it. I mapped all this stuff out when I did the book, I plotted out this sort of conversation level. And then you see this just massive spike straight up on the chart when Julian Assange injects himself into it.

And, you know, to this day, he has never apologized, has never addressed this. WikiLeaks came out afterward and tried to, like, backpedal. But it was too late and, you know, the damage had been done. The bell could not be un-rung. And that was where things really went crazy. That was where



his family sat up and said, wait a minute, something is going on here-- the Rich family --something is happening about Seth that we don't understand and we need help.

Matt: And I think you did such a good job of juxtaposing sort of that, what you call that fringy chatter about potential explanations, conspiracy theories, filling this void of an inexplicable, horrific event. And then telling the story of the family. This is also, you know, days into the death of a young man that probably devastated parents and siblings. And they're trying to mourn while at the same time this fire is lit, this fire of disinformation is lit. And I know your reporting extensively covered how that family grieved amidst that fire. But talk to our audience about what your contact with the family was like and how they explained their process of mourning while the world was searching for these implausible --but fantastical at the same time --explanations for the death of a young man.

Andy: Well, it's the most unimaginable thing you could have happen to you as a grieving mother or father or brother. Which is this horrible thing happens and you just want to be left alone to process it and to try to get to a place where you can move on. And then all of a sudden Julian Assange is talking about your son on international television.

Matt: While, while an international fugitive in exile.

Andy: Right.

Matt: Responsible for one of the largest leaks of classified information in the history of the world.

Andy: Right. Right, exactly. And, just, just to set the scene for you: Joel and Mary Rich, Seth's parents, lived in Omaha at the time. They were your quintessential Midwestern, unassuming parents. They were not political insiders. They did not use Twitter. They were really into their Newfoundland dogs and their lovely house on the west side of Omaha. And their sons' lives-- Seth was the youngest of two. His older brother Aaron, who is also in the book, and I got to know quite well--

Matt: And, and we're going to get to Aaron, because that takes on a whole nother dimension.

Andy: It does. It does. But this, this is just, I mean, I think if this had happened to someone even steeped in the world of, of, you know, political warfare or whatever, the rough and tumble of American campaigns, like this would be a crazy event for them. But for the Riches, it was incomprehensible. It was like being dropped on Mars and told to find your way home. So it was a, it, it was very hard for them and there were a lot of moments where they felt this whole thing had spun out of control. And what's really powerful about their story and why they're so central to the book -- and, and I, and I did spend a lot of time with them, trying to really get their story right-- is that they probably could have hidden away in Omaha and hoped that this whole thing would blow over. And say nothing, do nothing.

Matt: And they would be perfectly justified in doing so.

Andy: Within their right. Yes, perfectly within their right to do that.



But credit to them, they said, we can't let this stand. We can't allow these untruths and conspiracy theories and innuendo about Seth to be the final word. And mind you, they're thinking this after, it's not just Assange takes up the story, but Fox News takes it up. And you know, major political figures have taken it up. When, when Seth's name is basically, shorthand for all kinds of horrible things that he has been accused of doing.

And they say, you know what? We have to do something. We have to fight back. We have to try to clear our son's name because he's not here to do it. And we will try whatever it takes to make that happen. And, and so there is, you know, there is everything that happens to them. That's kind of the first and a half acts of the books, I guess you get first, yeah, 1.5 acts of the book. And then their crusade, really, to try to set the record straight and to defend the truth and defend themselves and Seth is the second half.

And it, I don't think they knew what they were signing up for. Uh, they definitely didn't know what they were signing up for at the beginning. But knowing them as I do, I know that they would absolutely do it over again if they had to stick up for Seth and to stick up for what's right.

Matt: So, so borrowing some of your storytelling approach from the book, let's jump back to the conspiracies. You know, I didn't want to lose sight of this mourning family because it plays such a prominent role. But the juxtaposition and almost that hard pivot that you take in every other chapter or so--

Andy: Yeah.

Matt: --back to the mourning family. And then you go back to the streets of DC where we've got, you know, theories about pedophilia at pizzerias and, you know, secret rooms in these Washington, DC establishments. Where does the conspiracy theory train stop next after the Assange sort of opening salvo?

Andy: Oh, it, it, I, I think your, your allusion to the, the pizzeria is a good one. And, and that's what I was referring to in that little bit you read at the beginning, the sort of birth of this online religion. Listeners may have heard of this crazy, not even a theory, but this sort of belief system called QAnon. QAnon was really popular in the news all the time in, you know, the 2018, 2019, 2020, 2021 as well, really kind of in and out of COVID there. But it was this insane super theory about, you know, this cabal of elites-- Democrats, Hollywood people, and so on and so forth-- who were running this crazy crime ring out of a, the basement of a pizzeria in Washington, DC. A pizzeria, I will tell you that's where I actually end up having the book party for *A Death on W Street* when this was all said and done. I thought that was a fun little touch.

Matt: It sounds like a pretty cool place, by the way.

Andy: Yeah, it is. It is. You can see a great, a great show there. They have good pizza. I can attest to that for sure.



Matt: And no secret rooms where a cabal of elites are try plotting to throw over the government, right?

Andy: No, no, no secret dungeon. Exactly. That is definitely not true.

But what makes that --Pizzagate is the shorthand name for the, crazy set of theories around this pizzeria, Comet Ping Pong. What I found so striking about that episode though, was this theory is completely bonkers and no one in their right mind actually thinks this is real. But that doesn't mean that there aren't people out there who act on these things.

And in fact, in late 2016, after the presidential elections-- we're moving ahead a little bit here, but-- a man in North Carolina gets so hopped up on videos and social media content about this Pizzagate theory-- he's watching Alex Jones on "Infowars." He's deep into Reddit and 4chan, the sort of dark corners of the internet --that he packs a bunch of guns into his Toyota Prius, drives from North Carolina to Washington, DC. Marches into Comet Ping Pong with his AR-15, looking for the doorway to the secret dungeon to free the children or whatever who are there.

And of course, there is no dungeon. And he thinks he's found it and it's a locked door. So he, he shoots a few rounds into, and it turns out it's a closet with coats and the, like, in-house computer server that runs the server machines and everything for the restaurant. And he ends up surrendering to the police in the street. It's this huge scene.

I think for a lot of us, that moment was such a watershed because we think these things live online. These theories, they start online, they end online. People may believe them, but like, no one's going to actually act on any of this. And then someone did. That someone was armed. And after that, frankly, this whole world that I had been reporting on took on a new cast. I saw it in a new light, and it, and it, it was a reminder that these things don't live online and there is a real world impact. And of course, the way the book plays out, we see that real-world impact in so many more ways. But man, that was a wake up call. Especially being, you know, a place that I knew, I'd gone to. It was in my city. To see that happen was, a, kind of an out-of-body experience given what I cover for a living.

Matt: Yeah. And, and, and all of this, in this post-truth, post-information age is sort of born of this tragic death.

Andy: Right.

Matt: And we talked a lot about the impact of the family. But one of the most striking facts that you reported on in the book was the role of Seth's brother Aaron, and his job. By happenstance, Aaron works for a government contractor. And that was the proverbial fuel on the fire to these conspiracy theories, wasn't it?

Andy: Absolutely. He worked for a government contractor. He had a clearance for his job, but he didn't do anything related to, you know, the CIA or any of the agencies or the events that took place in 2016. I mean, it's a completely different part of, completely different part of the military industrial complex, whatever you want to call it.



Matt: But, just, look, for our listeners, an important fact that this whole QAnon thing that was born of this WikiLeaks, Seth Rich, Pizzagate kind of mentality. Q is among the highest clearances, in government, right?

Andy: Right. That's right. Yes. And it, it, the, you know--

Matt: So the, the immediate, the immediate suspicion is now not only is Seth Rich dead because he was this operative that turned on the Clintons or was a Russian agent, or whatever the hell the cockamamie narrative was in these circles of the internet, but now he's got a brother who the suspicion becomes is QAnon, right?

Andy: Is part of the intelligence world, is someone who is deeper into the classified information environment thing.

Matt: The internet yahoos call 'em the Deep State, right?

Andy: The Deep State. Exactly right. Exactly right. It's just such a vivid example of how, if we took these data points and we just drew them as a dot on a board, and you put all of these dots out there, you don't have anything to connect them, just, you have nothing to connect the pizza place to the, the cabal of elites or whatever. You don't have any dot to connect the work that Seth's brother Aaron did to anything involving the 2016 election.

But just the fact that the dots exist and maybe are in this sort of very broadest category of data points. The way the mind works is people just say, I'm going to connect that dot. It looks close enough to me. Even if there is no relationship whatsoever. But that is the way we are wired, especially when the mind wants to believe that something is true. You know, it's this whole thing of like, it's too good to be true. That, that, I feel like, has gone out of fashion. That, if it's what you want, that if it kind of fits your preexisting worldview, then it must be true. That is the way that a lot of the true believers in this story came to connect dots that weren't ever connected and would never be connected.

And, and Aaron, was on the receiving end of that. He happened to have this job where he worked for a, a government contractor and a job that involved clearance. And so then it's like, well, of course he must be involved. He must have helped his brother. He must have been part of the coverup. This is bigger than JFK.

I mean, one of the conspiracy theorists in the book that I write about, one of the kind characters who tells us something larger about the American political climate these days, he makes that very point: This is bigger than JFK. That's how grandiose these folks came to see this story. And Aaron is alive and gets sucked into this whole morass because he tried to defend his brother, and because he had a job that he liked and happened to work inside, you know, within the sort of larger government sphere. And just for trying to earn a living and defend his brother, he himself gets pulled into the kind of extended universe, if you will, of the Seth Rich story, he is accused of things. So, it's quite incredible how he got pulled into this.



Matt: And I think that the inflection point of the book, like any good story is when the Rich family fights back.

One of my favorite movies of all time is "Top Gun," the first one, okay.

Andy: The original.

Matt: The best scene is when they're out at the pool party and the orders come in that they've got to go on some secret mission to defeat the enemy and you know, the music starts playing that makes the hair on the back of your neck stand up. And then they're in fighter jets and they're, you know, taking on the enemy and, and then they prevail. And --

Andy: It's the Soviets, right? It's MiGs or something?

Matt: Yeah, yeah. It's MiG fighter jets that, you know, and they save the world. And that's, like any good story there's that inflection point. And then good prevails over evil. And you know, the Rich family had their moment. They had their, for lack of a better phrase, their "Top Gun" moment when they got to hit back on this narrative about the unimaginable loss of their son. So talk to us about that.

Andy: That moment comes for them pretty soon after, I think, the lowest moment. Which is how this inflection point often comes about, right? You hit the bottom. And you think there's only one way to go and that's up. And that maybe you know, you, you got to pick yourself up because you've got to fight back. In the spring of --

Matt: Yeah. And, in "Top Gun" in the analogy, Maverick, Tom Cruise's character, he's kind of washed out, his co-pilot just died. He's sort of down on his, his luck.

Andy: Poor Goose.

Matt: The love of his life has kind of left him. And, and now he's going to take on the world because he's just going to pull himself up and do it. And, that's really the image that you created of the Rich family. Because here they are, they've lost one son. Another son is being brought into this ridiculous narrative. And these kind of Midwesterners are, you know, forced to fight back.

Andy: And it's not an easy decision for them, even though at their core they know this is what they want to do, this is what they have to do.

For Seth's parents, Joel and Mary-- and this will be, I think, interesting, especially to all the legal nerds out there-- their options are very limited. You know, the person who was defamed was Seth. Seth is no longer alive. They didn't know until they started down this path that when someone is deceased, they don't have the right. They lose their ability to sue for defamation because the dead can't sue in that way. So they start this process of trying to figure out is there a path for us?

And they eventually get there. And it was very unclear if they would have any success at all with this claim.



Aaron, slightly different story, because he had reams of evidence of people accusing him of doing things, saying that he had done things that he had not do. And, and it was a little more straightforward from him. The thing with Aaron was that Aaron was not like Seth. Seth, I think if he were alive today, he would be running for Congress. He would be out on the campaign trail. You would see his face in videos and on those little, you know, signs you get in your mailbox. That guy wanted to be a politician.

Matt: It's a shame, that he's not. Maybe he would've shut down this conspiracy theory world.

Andy: It is. Yeah. It really is a shame. I think about that a lot.

But Aaron was the opposite. Aaron liked his job. Did not have any interest in the public limelight. Wasn't a politics guy in the least. So this idea of him putting his name on a lawsuit, going public, filing this, launching this court battle was very uncomfortable for him. It was this moment where his motivations, his desires, were pulling him in two opposite directions.

On the one hand, he wants to stand up for his brother and he wants to stand up for himself. But on the other hand, doing that means giving up some of that privacy and anonymity that he had always wanted and that he had never sought to, um, give up on in pursuit of, you know, running for governor or something.

So it's this really fraught, difficult choice for him. But in the end, he decides that he's got to clear his name. He's got to clear his brother's name. And that the truth is worth defending, because if he's not going to do it, no one is. And so he makes the choice to go ahead with it.

Matt: And they use the legal system to obtain a modicum of justice. They're not able to get their brother back, and their son back, obviously. But, they reached a pretty hefty settlement, did they not?

Andy: In the end, yes, they got that settlement. And in Aaron's case, you know, it wasn't as much about a financial settlement for Aaron as it was about setting the record straight. And he did that. The people that he sued deleted everything that they had said about him that was untrue, defamatory. They posted public comments. They set the record straight. They had to under the terms of the resolution of that lawsuit. But Aaron got what he was hoping for. And I think as well, those two, the, the outcomes of those two lawsuits sent a signal to everyone else that -- both related to Seth Rich in particular, but also in a, in a broader way-- you know, there are repercussions for knowingly spreading lies about someone that harm their reputation, that pollute the, you know, information ecosystem that we live in.

It was a pretty important inflection point, I think, in this world of the law and the First Amendment, politics. And I think you can draw a pretty clear line from the Rich family's lawsuits to the Dominion case against Fox News and to some of these other lawsuits that have sought to hold people accountable for telling these viral lies that have no factual basis to them.

Matt: We're talking with Andy Kroll, an investigative reporter at *ProPublica*, where he covers politics, threats to democracy, the rule of law voting. He's a former Washington Bureau chief for *Rolling Stone*



magazine, where he wrote extensively about the Seth Rich case, and we're talking him to today about his first book, *A Death on W Street: The Murder of Seth Rich and the Age of Conspiracy*. And, and I, I might say the birth of conspiracy as part of our culture here in the United States.

And we have a few moments left today, Andy, I want to just kind of shift gears out of the book for just a moment. What do you think the implications are to justice and the rule of law of this post-truth era that you write about in the aftermath of the Seth Rich story, the quest of his family to fight the lies that were told against this dead man. What are the implications for justice and the rule of law? Because the pendulum did swing back. Justice prevailed. The rule of law prevailed because the system worked. It, again, it didn't bring back this tragically murdered young man. But the rule of law quashed, for the moment, the yahoos that I called them earlier. *Infowars* is bankrupt. Alex Jones doesn't have a microphone or a pulpit like he used to because the legal system worked. And in my reflection on some of the darkest moments in our history, that's always been the case. And I am an eternal optimist, always believing that our system is so brilliant and designed that way.

Am I just being an optimist and perhaps there's no basis for me to be so optimistic? Or, is the rule of law going to ferret out this problem in our system?

Andy: I don't think you're being overly optimistic. I think that if the last five years have taught me anything, it's that our judicial system really is the last bulwark against the complete flooding of American politics, American culture, with viral lies, rumors, unfair accusations, smears, whatever you want to call them. I mean, that is the pattern that I have seen over and over and over again.

I mean, in, in late 2023 I sat in a courtroom for five days down here in DC in the Prettyman Federal Courthouse, right across the street from the Capitol. And I watched the trial of two Georgia election workers who had sued Rudy Giuliani for defamation for basically accusing them of stealing the 2020 election away from Donald Trump. And in that courtroom I watched as lawyers very methodically argued their cases about the facts of what happened and what didn't happen. I watched a judge very carefully ensure that that trial was only about facts and that half-baked assertions, wild theories, did not enter the record, were not part of those proceedings.

And then I watched, uh, what was it, eight jurors, 12 jurors? Some amount of jurors, and I, I should remember this. But I watched this, this group of random jurors assess the facts and reach their conclusion. And it was a really useful, sobering reminder that our courts, our judicial system can still be a place where fact is sifted apart from falsehood.

Because I watched as those judges and those lawyers on, on both sides of, of any particular case, argued their cases in, in a realm where only facts and supported arguments mattered. And the, the online noise, the nonsense was filtered out, was not allowed. And if we lose that, I think we are in real deep trouble. Real deep trouble, because my field, my profession, you know, here at *ProPublica*, we are doing our absolute best around the clock every day to report factual information, to bring people news that is fact-checked and vetted and useful to them.

But there are times when it feels like we have a tiny little bucket and we're using our little bucket and there are people with, uh, you know, and like, there's like a yacht sailing by us, or a huge cruise ship



sailing by us with a massive wave that just threatens to wash us all away. Just because social media, can feel that way and because, partisan or, you know, conspiratorial media can feel that way. We're going to keep doing what we're doing 'cause I believe our role is essential. But I have such a deep appreciation and, and, gosh, just belief in our courts as a place to get a fair hearing and to sort of filter out the nonsense. And if we lose that, oh man, I don't, our, our democracy is in deep, deep, deep, deep trouble. So I hope that all the lawyers listening and anyone who works in the legal profession listening, understands that. And, and hopefully feels the same way. Because there has to still be a place where people can go to defend themselves, to make their case. And they can only do it based on facts and verified arguments, assertions, whatever. And in a lot of ways, the public square just doesn't feel like that place right now.

Matt: The sacred halls of the courtroom are all we got.

Andy: That's right.

Matt: And, uh, I, I could tell you the, the lawyers in my circles are right there with you. That is our sacred place and that is where these issues that will pop up from time to time-- again, I hope I'm not being an eternal optimist, but-- that is where they will be resolved and where justice will be handled. So I think that's a great stopping point, Andy. I, I can't thank you for joining us again on "The Presumption of Innocence."

It's really been an absolute pleasure to have you. I hope this won't be the last time we talk about these very important issues that will continue to morph and change course from time to time, but, at their core, against the backdrop of our solid judicial system, I hope, we have the checking forces in place to keep society on the right track.

So that's all the time we have for this episode. We'll see you next time on "The Presumption of Innocence." I'm your host, Matt Adams. Thanks a lot. Take care.