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November 13, 2025

Via Email (abrito@britopllc.com) & Federal Express

Alejandro Brito
Brito PLLC
2121 Ponce de Leon
Suite 650
Coral Gables, FL 33134

Re: November 9, 2025 Letter regarding BBC *Panorama* Documentary

Dear Mr. Brito:

Our office represents the British Broadcasting Corporation (“BBC”). We write regarding your letter to the BBC dated November 9, 2025, which you sent on behalf of President Donald J. Trump. You wrote with respect to the broadcast of the BBC’s *Panorama* documentary titled “Trump: A Second Chance” (“the Program”) on October 28 and November 2, 2024, depicting his supporters during President Trump’s campaign for a second term in office. Please direct all further communication about your letter to my attention.

Your letter, citing Florida law, alleges that in a short clip of excerpts of his speech on January 6, 2021, the BBC “intentionally sought to completely mislead its viewers.” President Trump alleges that the Program constituted defamation. The President threatens to bring a \$1 billion defamation suit against the BBC.

Our client had no intention of misleading anyone. Indeed, the BBC has publicly expressed its contrition in statements to the Chair of Parliament’s Culture, Media, and Sport Committee, on its website, and in the media. We also enclose with this letter a copy of the BBC’s personal apology to President Trump, sent by email today to White House Chief of Staff Susie Wiles.

Additionally, the BBC has posted or shortly will post the following retraction:¹

¹ <https://www.bbc.co.uk/programmes/m0024h6r> and
https://www.bbc.co.uk/helpandfeedback/corrections_clarifications/

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This programme was reviewed after criticism of how President Donald Trump's 6th January 2021 speech was edited.

During that sequence, we showed excerpts taken from different parts of the speech.

However, we accept that our edit unintentionally created the impression that we were showing a single continuous section of the speech, rather than excerpts from different points in the speech, and that this gave the mistaken impression that President Trump had made a direct call for violent action.

The BBC would like to apologise to President Trump for that error of judgement.

This programme was not scheduled to be re-broadcast and will not be broadcast again in this form on any BBC platforms.

While the BBC sincerely regrets the manner in which the video clip was edited, for the following reasons, we strongly disagree that President Trump would have a basis for a viable defamation claim.

First, President Trump has made no allegation that the Program was published in Florida, as he must in order to establish personal jurisdiction over the BBC and to meet the publication requirement for a defamation claim. The BBC did not have contractual rights to, and therefore did not, distribute the Program on U.S. channels. Moreover, the version on its website linked to in your letter was geographically restricted to U.K. viewers. In any event, it ceased to be available even in the U.K. from 12 months after the Program aired. The President therefore has not established that he would have any jurisdictional basis to bring a claim against the BBC in Florida or elsewhere in the United States.²

Second, President Trump will not be able to prove that the Program caused him any injury, let alone the unspecified "overwhelming reputational and financial harm" he alleges.³ He won reelection on November 5, 2024, after the Program aired. He carried Florida by a

² See, e.g., *Internet Sols. Corp. v. Marshall*, 39 So. 3d 1201, 1203 (Fla. 2010) (to be actionable as defamation, "the material . . . must not only be *accessible* in Florida, but also be *accessed* in Florida") (emphasis in original).

³ See *Anheuser-Busch, Inc. v. Philpot*, 317 F.3d 1264, 1266-67 (11th Cir. 2003) (affirming dismissal of defamation claims because plaintiff failed to prove actual damages); *Zimmerman v. Allen*, 2014 WL 3731999, at *9 (Fla. Cir. Ct. 2014) (quoting *Thomas v. Pearl*, 998 F.2d 447, 452 (7th Cir. 1997)) (given "negative publicity" from "a litany of news media entities" other than defendant NBC, "the challenged excerpts from and characterization of Zimmerman's statements . . . could not have been the required 'but for' cause of Zimmerman's alleged injuries").

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commanding 13-point margin, improving over his 2020 and 2016 performances in the state.⁴

Moreover, when the Program aired, the President had already been indicted by a grand jury on four counts stemming from his alleged efforts to overturn the 2020 election, in an “indictment contain[ing] various allegations regarding Trump’s conduct in connection with the events of January 6 itself,” including that he “allegedly ‘directed the crowd in front of him to go to the Capitol’” where they “eventually ‘broke into the building.’” *Trump v. United States*, 603 U.S. 593, 628 (2024). Similarly, in 2022 the U.S. House of Representatives January 6 Committee Report found that “Donald Trump instructed [supporters] to march to the Capitol on January 6th to ‘take back’ their country.”⁵ Given the extensive allegations prior to the release of the Program regarding his January 6 speech, in criminal and civil cases and among the press and public, the Program could not have caused any incremental harm.

Third, President Trump has no basis to allege that the BBC published the Program with actual malice – that is, knowing the Program was false or while entertaining serious doubts as to its truth – as he must.⁶ Rather, as the BBC Chair has explained in an open letter to the U.K. Parliament, “the purpose of editing the clip was to convey the message of the speech made by President Trump so that Panorama’s audience could better understand how it had been received by President Trump’s supporters and what was happening on the ground at that time.”⁷

Indeed, nothing better reflects how President Trump’s supporters understood his remarks than their own statements. In the course of their prosecutions, numbers of people arrested at the Capitol on January 6 told the courts that they interpreted President Trump’s remarks as a call to

⁴ See *Florida, 270 to Win*, <https://www.270towin.com/states/florida>.

⁵ *Final Report: Select Committee to Investigate the January 6th Attack on the United States Capitol* at 5 (Dec. 2022), https://www.jan-6.com/_files/ugd/acac13_ffa28ed6c2694272a265860e447122c7.pdf; see also, e.g., *Blassingame v. Trump*, 87 F.4th 1, 4 (D.C. Cir. 2023) (“According to the plaintiffs,” a group of Capitol Police officers, “President Trump’s actions, including ultimately his speech on January 6, sparked the ensuing riot at the Capitol.”); *Carroll v. Trump*, 663 F. Supp. 3d 380, 381 (S.D.N.Y. 2023) (“[S]ome individuals charged with crimes in connection with the January 6, 2021 events at the United States Capitol have argued that their actions were attributable to what the individuals perceived, rightly or wrongly, as incitement by Mr. Trump.”).

⁶ See, e.g., *N.Y. Times Co. v. Sullivan*, 376 U.S. 254, 283 (1964); *Berisha v. Lawson*, 973 F.3d 1304, 1310 (11th Cir. 2020). Indeed, “[p]ublic discussion about the qualifications of a candidate for elective office presents what is probably the strongest possible case for application of the *New York Times* [actual malice] rule.” *Ocala Star-Banner Co. v. Damron*, 401 U.S. 295, 300-01 (1971).

⁷ Letter from BBC Chair Samir Shah to Dame Caroline Dinenage MP (Nov. 10, 2025), <https://committees.parliament.uk/publications/50118/documents/270340/default>.

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action.⁸

Further, the BBC has taken prompt corrective action, publicly apologizing for the unintentional result “that the way the speech was edited did give the impression of a direct call for violent action,” issuing a retraction, and confirming that the Program was not scheduled to be re-broadcast and will not be rebroadcast in that form on any BBC platforms. This further negates any suggestion of actual malice.⁹

Fourth, the brief clip, which shows about 15 seconds of President Trump’s speech on January 6, is part of an hour-long program containing extensive coverage of his supporters praising President Trump, and presenting balanced coverage of his path to reelection. Courts consider challenged statements in the context of the full publication in which they were made. Accordingly, President Trump cannot create an actionable statement or implication by citing a singular clip but ignoring the remaining, overall context of the Program.¹⁰

Fifth, the Program contains protected expressions of opinion, including many from President Trump’s ardent supporters. It depicts hotly contested events related to Presidential elections, including the events of January 6, 2021, which have been the subject of extensive controversy and litigation. In this context, even if the Program is reasonably interpreted to report that President Trump encouraged the crowd to march to the Capitol on January 6, that is an

⁸ See, e.g., Ryan J. Reilly, *Jan. 6 Rioter Who Said He Wanted Trump’s ‘Approval’ Found Guilty by Jury*, CNBC (Apr. 14, 2022), <https://www.cnbc.com/2022/04/14/jan-6-rioter-who-said-he-wanted-trumps-approval-found-guilty-by-jury.html> (“A Donald Trump supporter who told jurors that he was ‘following presidential orders’ when he stormed the U.S. Capitol on Jan. 6 was found guilty on Thursday after he admitted that he stole a coat rack and a bottle of liquor from the building.”); Shawna Chen, *Judge: Jan. 6 Rioter Who Broke into Capitol Followed “Trump’s Instructions,”* Axios (Jan. 17, 2023), <https://wwwaxios.com/2023/01/18/jan6-capitol-riot-trump-instructions> (“A federal judge said Tuesday that a California woman who breached the U.S. Capitol during the Jan. 6 insurrection ‘followed then-President Trump’s instructions’ in breaking the law.”); Kyle Cheney, *Jan. 6 Defendant Wants Jurors to Blame Trump, Not Him, for Decision to Breach Capitol*, Politico (Apr. 13, 2022), <https://www.politico.com/news/2022/04/13/january-6-defendant-donald-trump-00025019> (“Though dozens of defendants have argued in court filings that they believed Trump had authorized the assault on the Capitol, judges have largely rejected that contention and said rioters should be held to account for their own actions. But whether a jury sees that argument differently will be an important test that could reverberate across hundreds of other cases.”).

⁹ See, e.g., *Nelson Auto Ctr., Inc. v. Multimedia Holdings Corp.*, 951 F.3d 952, 959 (8th Cir. 2020) (“[R]eadiness to print a retraction weighs against ‘malice.’” (quoting *Zerangue v. TSP Newspapers, Inc.*, 814 F.2d 1066, 1071 (5th Cir. 1987))).

¹⁰ See, e.g., *Berisha v. Lawson*, 973 F.3d 1304, 1315 (11th Cir. 2020); *Smith v. Cuban Am. Nat. Found.*, 731 So. 2d 702, 706 (Fla. 3d DCA 1999).

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opinion on a matter of public concern, heavily protected under defamation law in the United States.¹¹

For these reasons, the BBC declines President Trump's claim that the Program constituted defamation and his request for compensation.

We sincerely hope that the BBC's public statements of contrition, and the direct apology that we have given to the President, will suffice to put this matter to rest.

The BBC reserves all further rights and remedies, including those available under Fla. Stats. § 57.105 and § 768.295(2)(a).

Sincerely,

BALLARD SPAHR LLP

By 
Charles D. Tobin

Enclosure

¹¹ See, e.g., *Trump v. CNN*, 684 F. Supp. 3d 1269, 1274 (S.D. Fla. 2023) (dismissing defamation case because network's description of President Trump's election challenges as the "Big Lie" was non-actionable opinion, not a statement of fact).



British Broadcasting Corporation
Broadcasting House, London W1A 1AA

From the Chairman

The President
The White House
1600 Pennsylvania Avenue NW
Washington
D.C. 20500
United States of America

13 November 2025

Dear Mr President,

As the Chair of the BBC I wanted to write to you personally. At the same time the BBC's lawyers have today responded to your legal team. The BBC's overall legal position is as set out in that letter. I should make clear at the outset that what follows is my view as the Chair of the BBC. The organisation is, by Royal Charter, independent of His Majesty's Government and nothing I write should imply approval or disapproval by the United Kingdom Government.

Let me address immediately your speech of 6 January 2021. The way the speech was edited in the documentary gave a misleading impression of what you said. The editing unintentionally created the impression of a single, continuous section of your speech, rather than excerpts from different points in the speech. This gave the mistaken impression that you had made a direct call for violent action. That was an editorial error and it should not have happened. I have stated clearly and publicly that the BBC apologises for that error of judgement. As it was your speech that was edited in a misleading way, and you were the object of that editorial error, I would also like to apologise to you directly for this mistake.

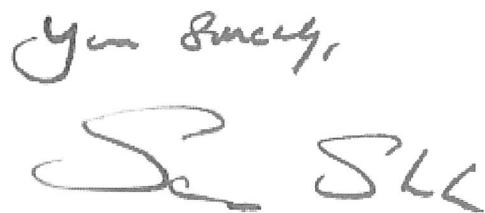
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The documentary followed a number of your supporters and campaigners, who told the BBC why they wanted you to be re-elected in the 2024 US Presidential Election. The BBC's intention was to reflect their contributions to the documentary fairly and accurately, including their support for you and your Presidency.

Whilst the documentary was not scheduled to be rebroadcast, the BBC has also made public today that it will not be broadcast again on any BBC platforms in a form that includes the misleading sequence.

That the BBC produces content of the highest editorial quality is of paramount importance to me. As Chair, I take responsibility for personally ensuring that the BBC retains the trust and confidence of our audiences.

I would be happy to discuss this matter, should this be of interest to you.

A handwritten signature in black ink, appearing to read "Samir Shah". The signature is fluid and cursive, with "Samir" on the top line and "Shah" on the bottom line.

Samir Shah

BBC Chair