

Judge rules U.S. cannot shield Trump from rape defamation lawsuit



E Jean Carroll has accused Donald Trump of rape and is suing him for defamation. (Photo: Carlo Allegri / Reuters)

New York, October 28 (RHC)-- A federal judge has rejected a United States government request to drop Donald Trump as a defendant in a defamation lawsuit by a writer who said the president falsely denied raping her in a Manhattan department store in the 1990s.

U.S. District Judge Lewis Kaplan in Manhattan refused to let the government substitute itself for Trump as a defendant in former Elle magazine columnist E Jean Carroll's lawsuit.

A ruling for the government would have shielded Trump from liability and likely doomed Carroll's defamation claim. Carroll had sued Trump last November in a New York state court, after he had denied having raped her in Bergdorf Goodman in the mid-1990s or knowing who she was. Trump said she fabricated the story to sell a new book, and added: "She's not my type."

Acting at the behest of U.S. Attorney General William Barr, the Department of Justice (DOJ) moved the case to federal court, where it said Trump acted in his official capacity when denying Carroll's claims, and

thus could not be sued personally for defamation.

But Kaplan said a law shielding federal employees from being sued for acts done during their employment did not cover presidents. He also said Trump did not make his statements about Carroll in the scope of his employment as president.

“No one even arguably directed or controlled President Trump when he commented on the plaintiff’s accusation, which had nothing to do with the official business of government, that he raped her decades before he took office,” Kaplan wrote in a 61-page decision. “And no one had the ability to control him.”

Carroll’s lawsuit is one of many legal actions Trump faces as he seeks re-election on November 3rd. He has denied the claims of several women who accused him of sexual misconduct occurring before he took office.

Roberta Kaplan -- a lawyer for Carroll and no relation to Judge Lewis Kaplan -- said they looked forward to pursuing the defamation case in federal court. “The simple truth is that President Trump defamed our client because she was brave enough to reveal that he had sexually assaulted her, and that brutal, personal attack cannot be attributed to the office of the President,” she said.

Carroll said in a statement: “When Donald Trump called me a liar and denied that he had ever met me, he was not speaking on behalf of the United States. I am happy that Judge Kaplan recognised these basic truths.”

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