

**BUSINESS // CHRIS TOMLINSON**

## AI bot scooped story on a politician's affair, but does it have the right to free speech?

Allegations that a top Republican lawmaker had a lengthy affair with a stripper have raised questions about AI, freedom of speech, defamation and what counts as a scandal in contemporary politics.

By **Chris Tomlinson**, *Columnist*

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Texas state Rep. Giovanni Capriglione in a 2014 file photo. Allegations that the Republican lawmaker had a lengthy affair with a stripper have raised questions about AI, freedom of speech, defamation and what counts as a scandal in contemporary politics.

Ian McVea/AP

The political news website Current Revolt snagged an unbelievable scoop: a U.S. Army veteran and former exotic dancer was accusing the Republican lawmaker behind Texas's abortion ban of a long-term affair and paying for abortions.

Before it could publish, though, Elon Musk's artificial intelligence bot Grok scoured the internet and broke the news first. The allegations have captivated the Texas Legislature and raised questions about freedom of speech, defamation and what counts as a scandal.

In June, state Rep. Giovanni Capriglione, R-Southlake, announced his reelection campaign with endorsements from President Donald Trump and Gov. Greg Abbott. But he mysteriously reversed himself on July 22, saying he'd accomplished all his goals as a politician.

Conservative social media lit up with conjecture and rumors of a sex scandal. When people on Twitter, now known as X, asked Grok what was going on, the answer was startling.

"Based on the thread and recent Texas politics, (the post) is likely referring to Texas state Rep. Giovanni Capriglione ... and rumors of a scandal involving an affair with a stripper," Grok posted.

Grok's aggregation of rumors presents a fascinating question: Can someone sue an AI for defamation? With Trump suing journalists and conservatives trying to roll back free speech under the Texas Citizens' Participation Act, First Amendment rights are at stake.

The day after Grok's posts, Current Revolt editor Tony Ortiz shared a letter from Rogge Dunn, a Dallas attorney, saying he represented Capriglione and knew of an upcoming story. Dunn threatened Ortiz with a lawsuit if he "spread falsehoods" about Capriglione and cited Trump's recent settlements with national broadcasters.

"Well-respected and well-funded news organizations such as CBS and 60 Minutes paid \$16 million to settle a defamation lawsuit and ABC paid \$15 million," the email posted online said.

Ortiz said he was about to ask Capriglione for comment before publishing when Dunn's letter instructed him not to contact the lawmaker.

Dunn apparently believed he could bully a small, subscriber-funded website like Current Revolt. Ortiz published the story anyway with a video of his interview with Alex Grace, who said she had the relationship with Capriglione.

Grace described a long-term arrangement where they furtively planned meetups using fake email accounts. She explained how they broke up in 2021 over his political persona.

“He is someone who portrays himself to be so anti-abortion, yet he has funded several abortions for his own personal gain,” she said. “He now has the power to influence the lives of so many people, and potentially in a massively negative way.”

After the story was published, Capriglione issued a statement through an intermediary acknowledging the affair but denying he paid for an abortion.

“Lying and defaming me, twisting and manipulating old events for political purposes, is wrong and I will be pursuing legal remedies,” the statement added. “As the Fox-Dominion case demonstrated, media outlets cannot turn over their publications to those making false and defamatory claims and wash their hand of all responsibility.”

Dunn’s letter and Capriglione’s statement confirm what press freedom advocates fear: Trump’s successful attacks on critics will squelch freedom of speech. Luckily, the Texas Citizens’ Participation Act offers protections beyond the First Amendment.

Texas lawmakers passed the TCPA to punish powerful people who try to use lawsuits to intimidate critics for using their rights.

We may debate the quality of Current Revolt’s journalism or whether an affair or funding an abortion should ruin a political career, but the accusations definitely have news value and public interest.

You can’t sue someone for telling the truth. Capriglione acknowledged the affair, but he’s still threatening to sue.

The TCPA will likely protect Current Revolt because the allegations are newsworthy and Ortiz could potentially collect attorneys’ fees if Capriglione files a case, explained Thomas Leatherbury, director of the First Amendment Clinic at Southern Methodist University’s Dedman School of Law.

“Publication of the video of the woman making the allegations should be pretty safely protected under the statute,” he said. “Unless Capriglione can make a successful argument that Current Revolt adopted those allegations as their own and agreed with them.”

What about Grok? Could you sue the bot’s owner for defamation? Leatherbury said yes. Does the TCPA protect a bot?

“If the lawsuit’s based on the right to free speech, and assuming bots have rights to free speech, I would think the TCPA would apply,” he said. “But it would be interesting in this situation.”

Freedom of speech is having a moment, with politicians suing the media and AI spreading rumors. One thing is certain, though: powerful people still misbehave, get angry when caught and lash out at those who catch them. At least as long as we protect freedom of speech.