

**OPEN LETTER**

**FROM: JENNIFER ECKHART**

**TO: BERNARD GUGAR, GENERAL COUNSEL**

**DATE: APRIL 27, 2021**

**RE: A CHANCE FOR CHANGE**

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Dear Mr. Gugar:

I am writing to you because I know that you have recently been hired by Fox News as its new General Counsel. Based on your extensive background, including your experience at large, diverse companies such as Google and Harpo, Inc., I am hopeful that you will use your new position – as the head legal employee for one of the most influential organizations in the world – to work to address the systemic sexual harassment and discrimination that has, unfortunately, become synonymous with the Fox News name.

On July 20, 2020, I filed a lawsuit in which I publicly identified myself as a victim of rape at the hands of one of Fox News’ most powerful on-air figures, Ed Henry. Taking this step, and attempting to hold a powerful member of the media accountable for raping me, was not an easy decision. As a woman, I am all too familiar with how survivors of sexual assault are mistreated by the general public, the threats that they receive, how their names are dragged through the mud, how they are unfairly blamed for their own assault and how they become the subject of judgment. Worse still, as a long-time employee of Fox News, I witnessed firsthand how the Company had fostered an environment where powerful men such as Roger Ailes and others were allowed to prey on young women and abuse their positions of authority to the detriment of female employees.

Despite all of this, when Mr. Ailes was ousted, I and other women at Fox News were cautiously optimistic that the culture at Fox News and the “tone at the top” would change such that women would no longer have to walk the halls of the Company in fear of being sexually harassed, or even assaulted, by Fox News’ powerful male employees. I believed Fox News when it made public proclamations about how such behavior was unacceptable and would not be tolerated. I was even invited to attend a “Women at Fox News” event hosted by Fox News anchor Harris Faulkner who, at the time, claimed it was “a new era” at Fox after Ailes’ departure. Unfortunately, I was naïve to believe such empty promises.

As I described in my lawsuit, I first raised concerns about Fox News’ toxic workplace environment to my supervisor and Fox News’ Senior Vice President of Human Resources. After voicing my concerns, however, my supervisor responded by telling me, verbatim, to “prepare myself for repercussions.” HR never followed up with me about my concerns in any way, shape or manner. Rather than address my serious concerns, and, despite receiving substantial praise for my performance and dedication to the network over the course of seven years, including in the days

leading up to my complaint, I was promptly put on a “Performance Improvement Plan,” and wrongfully terminated shortly thereafter.

My attorneys then disclosed the details of my claims to Fox News on June 25, 2020. A week later, without consulting or even notifying me or my attorneys, Fox News attempted to “spin the narrative” by terminating their anchor who raped me based on the results of an internal investigation and issuing a strategically misleading statement to the media and to thousands of Fox News employees, downplaying the severity of my situation by labeling my rapist’s actions as mere “sexual misconduct.”

Without getting into the details, rather than Fox News directly notifying me of my rapist’s termination, I was forced to learn about it *via* Twitter, the media and my former colleagues and had to see my rapist’s face splashed all over the news. If you have ever researched the types of trauma that survivors of rape experience, you would surely understand that Fox News’ thoughtless conduct in this regard, by not even notifying me that this was about to occur, was an incredibly traumatic experience. Due to Fox News’ mishandling of this matter, and in healing in the aftermath of getting raped, I have been in therapy with a trauma specialist at a Crime Victims Treatment Center and diagnosed with PTSD. I am not the person who I was before all of this happened to me, and I struggle to see how I will ever be that person again.

Ultimately, Fox News refused to even discuss a resolution of my claims, and, as a result of its refusal to take any accountability for its actions, I was left with no choice but to file a lawsuit. It is not what I wanted to do, and I have suffered greatly for it. Since filing my lawsuit and coming forward to the world as a survivor of sexual assault, I have been branded by many as a “liar,” a “whore,” a “slut,” a “gold digger” and an “attention seeker.” I have been told that I “belong in jail” and called a “bitch who deserves to be slapped across the face.” I have also been without a job in the media industry for nearly a year because I am now deemed by many as a “liability.” Prominent politician and perennial Congressional candidate, Omar Navarro, even publicly accused me of “weaponizing the #MeToo movement.” My father, my hero, is a three-time cancer survivor who is currently living on dialysis and has been in and out of the hospital in recent days. I am sure you can imagine how difficult it has been for my father to see his only daughter being mistreated and attacked in the manner that I have described.

After I filed my Complaint, Fox News (through its law firm, Proskauer Rose LLP, a firm that is notorious for filing retaliatory litigation) filed a sanctions motion against my attorneys and then co-plaintiff. In seeking sanctions, Fox News insinuated that I had attempted to extort the Company and disingenuously cited confidential settlement communications between my attorneys and Proskauer. I cannot understand why Fox News would treat a survivor of rape with such callous indifference. Is it any wonder that women continue to hide in the shadows at Fox News in fear of retaliation and smearing, rather than coming forward with valid and good-faith concerns?

I understand that Fox News is likely reluctant to accept any responsibility for their role in this, but, as described in my Complaint and media reports, the Company’s actions and omissions contributed significantly to the PTSD that I continue to suffer from present-day. Healing in the aftermath of such trauma is a non-linear process; you have good days and a lot of bad days. But healing is also heavily influenced by what happens to victims in the *aftermath* of coming forward as a survivor

of rape. For example, if you are besieged with “secondary wounding” experiences, like the ones I have greatly suffered, your healing process will be longer and more painful than that of a trauma survivor who was fortunate enough to have escaped subsequent re-victimization.

The timing of this letter is poignant, as April is Sexual Assault Awareness month. As Fox News’ new General Counsel and Executive Vice President of Corporate Development, you have a unique opportunity to finally put in place the changes that Fox News promised when it ousted Mr. Ailes, Mr. O’Reilly and others. You can show the world that Fox News is an organization that is committed to providing more than just lip service to issues of diversity in the workplace. An organization where women and people of color can speak up when they are mistreated, without fear of reprisal. An organization that takes responsibility for the conduct of its biggest and highest-earning stars.

As I have learned from firsthand experience, there are certain times that people get a chance to take a negative experience and turn it into something positive that makes the world a better place. When they have the strength and belief to put themselves out there for a just cause and at a personal expense, that has the power to change the paradigm.

I would like to have a thoughtful discussion with you, my attorneys and your attorneys, about turning Fox News into a type of organization that practices what it preaches, as well as taking steps toward resolving my claims. I would also like to use this opportunity to discuss ways in which Fox News can stamp out sexual harassment and abuse in the workplace so that no other women have to be unfairly subjected to the same type of harm and trauma that I was forced to endure.

If you are willing to have that meeting, please have your attorneys contact mine.

I look forward to your response.

Sincerely,

DocuSigned by:  
*Jennifer Eckhart*  
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Jennifer Eckhart