

Fox News Channel is once more under siege, facing several concurrent scandals and legal challenges scattered across different courtrooms, and casting a pall over the network's executive suites.

Fresh and harsh scrutiny cast on star host Bill O'Reilly over allegations that he sexually harassed multiple women has given major corporations pause about associating themselves with the top-rated figure in cable news.

In just the past 48 hours, at least 20 advertisers, including prominent automobile manufacturers, announced they would cancel upcoming ads on his prime-time program or avoid placing future commercials there.

The ouster of chairman Roger Ailes last summer during a sexual harassment scandal was supposed to calm the waters. Yet two new lawsuits involving unrelated charges of sexual and racial discrimination raise serious questions about the decisions of Fox News Co-president Bill Shine and general counsel Dianne Brandi, among other executives.

Each was a long-time Ailes lieutenant. Each survived his forced departure.

Together, they've kept O'Reilly front and center on the network, despite all the payments that O'Reilly, Fox and parent company 21st Century Fox have made over the past dozen years to quell such accusations.

### **A history of payouts and settlements**

The two executives helped to arrange payments made to privately settle past sexual harassment complaints against Roger Ailes. One former Fox News booker was paid \$3 million back in 2011, five years before Gretchen Carlson's lawsuit against him exploded publicly. Shine and Brandi said they did not believe her story to be true at the time but later changed their minds as they learned of additional accusations against Ailes.

Some of those past payments by Fox News to women are being investigated by federal prosecutors to see if they were structured to avoid disclosing them to investors in 21st Century Fox, as first disclosed by a lawyer to suspended Fox News host Andrea Tantaros, who is currently suing Ailes and the network.

Brandi, the network's top lawyer, also stands accused of doing nothing after being informed in the fall of 2014 that Judith Slater, then the company's comptroller, had created a racist work environment in a lawsuit filed by three African-American employees of Fox News.

Fox News, O'Reilly and 21st Century Fox together have paid roughly \$13 million to women accusing him of sexual harassment, according to The New York Times. (The lion's share went to a former Fox News producer who captured his advances on tape more than a decade ago.)

A senior official at 21st Century Fox tells NPR it has spoken to O'Reilly and that the host has given assurances he believes in the company's commitment to offer a welcoming workplace for all staffers. Corporate executives did not respond to several requests for comment about the status of Shine and Brandi.

Through his lawyer, Susan Estrich, Ailes denies all the allegations made against him, including the newest, this week, by paid Fox News contributor Julie Roginsky. Ailes blames an orchestrated campaign against him.

O'Reilly says he's victimized by people who target him because he's successful and wealthy. He says he agreed to settlements to help his children avoid public scorn.

Fox News typically denigrates those who file suit or criticize its stars and executives, but it is currently uncharacteristically subdued, in keeping with a promise made last summer that the culture of the network would change.

Roginsky's lawsuit against Ailes argues that promise from the Murdoch family, which controls the company, has rung hollow.

In her sexual harassment lawsuit, Roginsky alleges that Shine and Brandi retaliated against her for failing to come to Ailes' defense and for raising her complaints about Ailes' conduct internally.

Fox News did fire Slater, the comptroller at the heart of the racial discrimination lawsuit, but as the lawyers for the plaintiffs note, only in late March, several days before the suit was filed.

Fox News and Brandi have not responded to the specific question of whether she was told of Slater's behavior, in 2014 and 2015, and refused to take action, as alleged in the lawsuit by Monica Douglas, the head of credit and collection in Fox News' accounting department, and one of the plaintiffs in the new racial bias suit.

Shine and Brandi's decisions have been challenged previously.

Their continued presence raises the more fundamental question of the judgment of Rupert Murdoch, the family patriarch, who stepped in to oversee Fox News after Ailes was hustled out.

O'Reilly's continued presence has undercut the Murdochs' contention of a shift in culture, according to several women who work at the network who spoke to NPR on condition of anonymity.

### **An audition is followed by an awkward dinner**

Not everyone who has made allegations against O'Reilly or Ailes received or even sought money. Wendy Walsh, a California-based psychologist and former television news reporter and anchor, auditioned on the air for a paid slot with a recurring role — "a very big opportunity," in her words.

Walsh told NPR that just three weeks in, she received a call from an O'Reilly producer saying he wanted to arrange a dinner during an upcoming trip in Los Angeles. Shortly after the outset of the meal at the restaurant Wolfgang Puck at Hotel Bel-Air, O'Reilly promised Walsh the job, she says.

After a cordial dinner, O'Reilly said, "Let's get out of here," and according to Walsh's account to NPR, "a kind of awkward thing happened": he headed past the hostess stand to the right, toward the elevators to his hotel room. Walsh says she headed left, toward the bar. (A woman answering the phone at Wolfgang Puck at Hotel Bel-Air confirmed the layout.)

Walsh says she declined O'Reilly's entreaties to come up to his room — and that he turned nasty at the bar, telling her there would be no job. "It was a sad cocktail party story that women tell each

other and shrug our shoulders and go, 'Ugh, another one,' " Walsh says. "I can't believe this is still going on."

O'Reilly has not directly responded to the substance of Walsh's depiction of this episode but issued a more general statement saying no women had filed complaints through the network's human resources department.

O'Reilly's show is the network's top revenue-generating program; and the network has proved highly lucrative for 21st Century Fox. But any financial hit from balky advertisers is likely to be limited as Fox News relies more on licensing fees from cable providers than from advertising spots. And most advertisers are placing their commercials on different Fox News programs, not withdrawing altogether.

One which is: SHRM, a leading trade group for the human resources industry.

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DAVID GREENE, HOST:

And the Fox News Channel is once more under siege. Last summer, the ouster of chairman Roger Ailes during a huge scandal was intended to calm the place down. Yet, multiple scandals have erupted at Fox. As NPR's David Folkenflik reports, major advertisers are now pulling commercials from the show of Fox News' top star Bill O'Reilly.

DAVID FOLKENFLIK, BYLINE: Julie Roginsky has been a paid commentator for Fox News since late 2011. On Monday, she sued Ailes saying he yanked away a promised promotion when she refused his sexual advances. Roginsky also sued the network's current president and its chief lawyer for retaliation. Yet, there she was yesterday morning on Fox News. It was a surreal moment. No mention of the suit as Roginsky lit into President Trump.

(SOUNDBITE OF FOX NEWS BROADCAST)

JULIE ROGINSKY: He took something about President Obama that was completely false...

FOLKENFLIK: A rare Fox News liberal who can hold her own, here's Roginsky several years ago with Fox News' Andrea Tantaros.

(SOUNDBITE OF FOX NEWS BROADCAST)

ANDREA TANTAROS: And you think that he was wrong to support private equity in that quote.

ROGINSKY: Well, no, no. I think...

FOLKENFLIK: With former host Gretchen Carlson.

(SOUNDBITE OF TV SHOW, "THE REAL STORY")

GRETCHEN CARLSON: If you weren't going to talk about Obamacare...

ROGINSKY: Well, if you look at the Chamber of Commerce and other business...

FOLKENFLIK: And with former host Megyn Kelly.

(SOUNDBITE OF FOX NEWS BROADCAST)

MEGYN KELLY: Julie Roginsky, you just gave birth to a baby this year.

FOLKENFLIK: Aside from being on Fox News, the women you just heard all share a bond. Each woman has alleged that Ailes sexually harassed her, which Ailes denies, blaming an orchestrated campaign against him. Tantaros alleges Bill O'Reilly also sexually harassed her. So does Wendy Walsh.

WENDY WALSH: After three weeks of appearances on his show, I received an email from his assistant saying Mr. O'Reilly would like to have dinner with you.

FOLKENFLIK: Walsh is a psychologist and a former TV news anchor. She had been auditioning for O'Reilly.

WALSH: To be a paid contributor at Fox News, which is, I believe, the highest rated in cable news is a very big opportunity.

FOLKENFLIK: Walsh tells NPR that dinner ensued at Wolfgang Puck's restaurant at the Bel-Air Hotel in LA. At the start, she says, O'Reilly said the job was hers.

WALSH: At the end of the dinner, he simply said, let's get out of here. And we stood up and walked out. And if you know the configuration of the Bel-Air Hotel, after you leave the hostess stand, if you turn to the right, you walk towards the bedrooms. If you turn to the left, you're walking towards the bar. And a kind of awkward thing happened that we both walked a different direction away from each other - me to the bar, him toward the rooms.

FOLKENFLIK: Walsh alleges she said, no. At the bar, O'Reilly told her, no paying gig. O'Reilly's show generates hundreds of millions of dollars a year from ads and is the network's biggest moneymaker. The New York Times reported this past weekend that O'Reilly, Fox News and its parent company have paid \$13 million to women who have complained he harassed them. O'Reilly says he's only a target because he's famous and only settles complaints to protect his children.

The parent company, 21st Century Fox, says O'Reilly promises he takes the company's commitment to a healthy workplace seriously. Wendy Walsh never sought any money. Lisa Bloom is her lawyer.

LISA BLOOM: It's absolutely shocking to me that there's this toxic culture at Fox News where they seem to think that paying out millions of dollars annually is just a normal part of doing business. It's not. And it's not legal. No matter how much money they pay doesn't make it legal.

FOLKENFLIK: Three African-American employees just sued Fox for racial discrimination by longtime executive Judith Slater. Fox News says it's taken care of the problem. It fired Slater 10 days ago. One plaintiff alleges she told Fox's top lawyer, that's Dianne Brandi, about the discrimination two and a half years ago and that Brandi did nothing. Fox News has in the past blasted its accusers and blamed competitors in the mainstream media for covering its troubles.

Right now it's uncharacteristically subdued. A growing number of prominent advertisers has pulled commercials from O'Reilly's show, including car manufacturers and pharmaceutical companies. David Folkenflik, NPR News, New York. Transcript provided by NPR, Copyright NPR.