

Opinion | Fox News, attorney brawl over firing of Bob Beckel

By Erik Wemple
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(Jon Vachon for The Washington Post)

Fox News on Friday released a statement saying that it had fired a member of its prime-time program “The Five.” The circumstances sounded unfortunate. “Bob Beckel was terminated today for making an insensitive remark to an African-American employee,” noted a Fox News spokeswoman in a statement.

The dismissal was the work of a revamped Fox News human-resources department under the leadership of Kevin Lord, whose hiring was announced in December. Under Fox News chief Roger Ailes, who was ousted last year in a wide-ranging sexual harassment scandal, the human-resources department was a dead end for employee complaints.

And according to attorney Douglas Wigdor, it still has a way to go. Wigdor has brought a racial-discrimination complaint against Fox News on behalf of more than 10 employees, and he’s representing the African American information-technology employee who was reportedly subjected to an offensive outburst from Beckel. “Mr. Beckel stormed out of his office when our client, a Black IT employee came to service his computer, telling our client that he was leaving his office because he is Black,” said Wigdor, founding partner of Wigdor LLP, and partner Jeanne Christensen in a statement.

What happened next, says Wigdor, violates the best practices of personnel departments across the country. “The wrinkle here is that the head of HR permitted Beckel to go into a room and try to convince [my client] to withdraw the complaint, right in front of the HR guy,” says Wigdor in a chat with the Erik Wemple Blog. “That’s unheard of in corporate America.” In this meeting, says Wigdor, Beckel started out by apologizing for this offense, but then moved into another mode altogether. “He said his father* was an important person in the civil rights movement and had done a lot of things for black people and was trying to guilt him into withdrawing the complaint,” says Wigdor.

“What they wanted to do was sweep the whole thing under the rug,” says Wigdor. “He wouldn’t withdraw the complaint and so they were forced to do it.”

A Fox News spokeswoman called Wigdor’s tick-tock “a complete lie.” The incident occurred Tuesday, she says, triggering a complaint from the employee. Lord answered within seven minutes, and over the next two days the event was investigated. Early Friday, Fox News reached the decision to fire Beckel. In a second-floor conference room at 10 a.m., Beckel was given the news. Then the employee was summoned to the conference room, whereupon Lord “facilitated” an apology from Beckel. Top executives at the network, says the spokeswoman, “NEVER” requested that the employee withdraw the complaint. “Bob does NOT represent management — he was asking for his own reputation and was already terminated by that time. We did not simply broker an apology, hope it would go well and when it didn’t, fire Beckel. Again, he was FIRED before apology even took place and the apology was facilitated for the employee because it was the right thing to do and he deserved it. Wigdor’s claims ... are ultimately a moot point.”

According to Fox News, there were two witnesses to the process — Lord and his deputy.

As outlined in this post, Beckel has had a colorful back-and-forth history with Fox News. He has served as an avuncular lefty on “The Five,” routinely doing rhetorical combat against a larger band of conservatives. In laying down his arguments over the years, he has occasionally veered into offensive territory, particularly with regard to Muslims. “If it were up to me, I would not have another mosque built in this country until we got it worked out who was not a terrorist,” he said in 2013. Another beaut came in 2014: “As usual, we bring them over here and we teach a bunch of Chinamen — er, Chinese people — how to do computers and then they go back to China and hack into us.”

Such instances, says Wigdor, place Fox News in weak legal stead. “If an employer [has] knowledge of an employee’s racist or other insensitive remarks” and then the employee goes on to mistreat another employee, “they can’t take advantage of any of the affirmative defenses that they might otherwise take advantage of because they’re on notice,” says Wigdor. As this blog has noted before, Fox News is achieving symmetry between its on-air and off-air cultures.

*Per Wigdor’s original account, Beckel claimed that he was an important figure in the civil rights movement, but Wigdor later clarified that Beckel was speaking about his father.

Erik Wemple writes the Erik Wemple blog, where he reports and opines on media organizations of all sorts.

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