

September 24, 2013

VIA EMAIL: Jon.Heidtke@foxsports.net and Mike.Anastassiou@foxsports.net
AND CM,RRR 7009 2820 0002 0779 5457

Jon Heidtke

General Manager, FOX Sports Southwest

Mike Anastassiou

Senior Executive Producer, FOX Sports Southwest

100 E. Royal Lane, Suite 200

Irving, Texas 75039

VIA EMAIL: eshanks@foxsports.com and Randy.Freer@foxsports.com
AND CM,RRR 7009 2820 0002 0779 5440

Eric Shanks

Co-President, FOX Sports Media Group

Randy Freer

Co-President, FOX Sports Media Group

1440 S. Sepulveda Blvd.

Los Angeles, California 90025

Re: Termination of Craig James because of his religious views in violation of Mr. James's religious liberty rights

Gentlemen:

Craig James retained Liberty Institute as his legal counsel in connection with the decision to terminate Mr. James's on-air position at Fox Sports Southwest ("FSSW") because of Mr. James's religious beliefs. Please direct any further communications regarding this matter to me.

The termination of Craig James raises serious issues of religious discrimination, unlawful disparagement of the character of Craig James, malicious interference with his employment, and unlawful termination of your employment agreement with him.

Craig James has worked in the sports and broadcast industry for thirty years. During that time, Mr. James has always maintained a professional demeanor on the air and in the course of his employment, and he had an impeccable record as a fair and open-minded person regarding social issues both on and off the air. Mr. James has always operated toward the goal of measuring folks according to merit and not their beliefs or background. That is why Mr. James hired the very best campaign consultant/advisor he

could find for his run for the United States Senate in Texas, a man who happens to be openly gay.

Mr. James is a man of faith and integrity, which calls him foremost to show love and kindness to all those around him, regardless of whether they share his beliefs. All people have intrinsic value according to his faith, and all people deserve love and respect and, above all, the freedom to not be judged, penalized or punished for their beliefs. Mr. James has a faith that calls upon him to define marriage as between a man and a woman, and he said as much during his campaign for U.S. Senate. Mr. James has never hidden his faith but has always been upfront and open about his faith and his deeply caring attitude toward those with whom he works and others with whom he comes in contact. He has been very honest about who he is as a person throughout his life, and that included when the public wanted to know more about him and his faith when he ran for the U.S. Senate.

Craig James did not seek out employment with FSSW; FSSW sought Mr. James. FSSW knew when they pursued Mr. James that he had run for the U.S. Senate and knew or should have known that he made statements about his faith and his faith's position on marriage. Such views are very personal. They are his sincerely-held religious beliefs. These views are not part of sports or sports broadcasting, and Mr. James has not and never would discuss his personal faith on the air or in his employment capacity, and FSSW and FOX Sports knew this when they hired Mr. James and know it now. Mr. James believes very strongly in equal opportunity employment, not passing judgment on others, and having tolerance and respect for the diversity of the broadcast world and this nation as a whole.

Factual Background

As you are aware, FSSW general manager Jon Heidtke sought out Craig James for an on-air position at FSSW and then hired James to serve as an on-air college football analyst for FSSW's postgame show, FOX College Saturday, following primetime college football games on Saturdays as well as for segments of FSSW's Big 12 Live wrap-up show. FSSW's Senior Executive Producer Mike Anastassiou announced FSSW's hiring of Craig James on Friday, August 30, 2013, stating, "We're excited to add Craig to the FOX Sports Southwest team. He's a talented broadcaster who I've admired throughout his career. His knowledge of college football and the experience he brings as an analyst will be a tremendous asset to our coverage."

The following evening, Saturday, August 31, Craig James made his first and what would become his only appearance on FSSW. During this appearance, Craig James provided analysis and insight on a college football game. Mr. James did not discuss his religious beliefs or his U.S. Senate campaign during the telecast.

On Monday, September 2, FOX Sports announced that it was terminating Craig James because of his religious beliefs. Referencing comments that Craig James made regarding his religious beliefs during his Senate campaign, a FOX spokesperson said,

“We just asked ourselves how Craig’s statements would play in our human resources department. He couldn’t say those things here.”

Craig James believes that he, as a Christian, is called to love everyone regardless of their sexual orientation. Craig James simply wants to receive the same tolerance for his religious beliefs that he himself practices towards others.

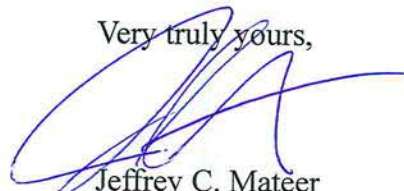
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The decision to terminate Craig James because of Mr. James’s religious beliefs is a severe violation of Mr. James’s religious liberty, protected by Title VII of the Civil Rights Act of 1964, and an affront to all Americans who cherish that bedrock principle of American freedom. The actions have also led to the breach of Craig James’s contract and the impugment of his character. We demand the immediate reinstatement Mr. James to the on-air college football analyst position for which Mr. James had originally been hired. If you refuse to reinstate Mr. James, millions of Americans will be left with the impression that you do not respect religious liberty and Liberty Institute will be forced to pursue subsequent legal options.

In order to fully ascertain the range of legal options available to us, if necessary, Liberty Institute also intends to seek the pre-lawsuit depositions of high-level executives at Fox Sports and FSSW pursuant to Rule 202 of the Texas Rules of Civil Procedure. We would also seek documents from you relating to the termination of Mr. James, including all communication between you and *Sports Illustrated* and you and *The Dallas Morning News*. We request that you immediately take steps to preserve any documents relating to Mr. James and your termination of him. Based upon our initial search, it appears that some documents may have already been deleted from some internet sources.

If we do not receive a response to our demand for Mr. James’s reinstatement within the next forty-eight (48) hours, we will proceed with filing the Rule 202 petition and commence formal investigation of Mr. James’s legal claims.

Very truly yours,



Jeffrey C. Mateer
General Counsel

cc: Craig James
James Drakeley