

Company Purposely Hides Why Journalist Was Fired

Can you be fired for the peaceful expression of your religious beliefs outside your office in your private life? That's what happened to Liberty Institute client Bob Eschliman, an award-winning journalist. But in firing Bob, his employer broke federal law—and is now trying to justify its religious discrimination by distorting, and even omitting, key facts to a federal agency. This week, Liberty Institute set the record straight.

On March 16, 2015, Liberty Institute, along with volunteer attorney Matthew Whitaker—a former United States Attorney and partner in the Des Moines law firm of Whitaker, Hagenow & Gustoff, LLP—sent a rebuttal to the U.S. Equal Employment Opportunity Commission (EEOC). The 12-page letter rebuts B.F. Shaw Printing Co. Inc.'s ("Shaw Media") response to Liberty Institute's charge of religious discrimination after the media company fired Bob Eschliman for religious opinions expressed in one private blog post.

In the rebuttal, Liberty Institute asserts:

"[Shaw Media] admits that Bob was fired for the opinions—uniquely religious opinions based upon his sincerely held religious beliefs—expressed in one private blog post, then obscures the true reason for Bob's termination."

Bob Eschliman, a soft-spoken Navy veteran and father of two young children, was an award-winning journalist and the former editor-in-chief of *Newton Daily News*, which is owned by Shaw Media in Newton, Iowa. On his off hours, and prior to his employment at *Newton Daily News*, Bob maintained a private blog where he published his occasional personal thoughts and sometimes his personal religious beliefs.

The media company knew about—and approved of—Bob’s personal blogging activities during his off hours. In fact, multiple employees of the media company engaged in the expression of opinions through blogging and other forms of social media. But they were treated differently than Bob.

Why?

Because the private blog post in question included Bob Eschliman’s defense of sacred Scripture.

In his post, Bob defended the Book that is most holy to his faith against attempts to rewrite it. He quoted both chapter and verse (literally) to demonstrate the significant differences between what is known as the Queen James Bible and sacred Scripture commonly accepted by millions of Christians worldwide for over two millennia.

Only a handful of close friends and Bob’s family would have read this blog post, hosted on an obscure corner of the Internet. But a former reporter decided to deliberately excerpt the post out of context in order to create controversy and harm Bob.

A Private Blog About the Bible Leads to a Concocted Controversy

This disgruntled employee remained at the media company for almost a year despite open misconduct, insubordination and the authoring of a false story in one of Shaw Media’s weekly newspapers—a false story that led to threats of legal action, a public retraction and the publication of a corrected article. After this reporter avoided termination by resigning the day before he was to be terminated, he concocted the controversy against Bob in his attempt to smear both *Newton Daily News* and Bob.

This information is highly germane to the case—yet was conveniently omitted in Shaw Media’s attempted defense of its

actions to the EEOC.

After the disgruntled employee's smear of Bob and the newspaper, a handful of media sources also became interested in the story about Bob's private blog post. Bob—who was not yet suspended or terminated at this point—understood the sensitive nature of the issue and sought direction from his publisher. Bob followed the media company's request to forward any inquiries from media directly to his publisher—and Bob continued to follow this directive while he was placed on indefinite suspension for the expression of this sincerely held beliefs. He did not discuss the case with the media until, accompanied by his attorneys, he announced the filing of the complaint with the EEOC after he had been fired by Shaw Media.

The newspaper president then took to the *Newton Daily News*' own editorial page to publicly condemn Bob's expressed sincerely held religious beliefs in print. In a statement published (see Exhibit 2), following the announcement of Bob's termination, the president of the media company said:

"He expressed an opinion on his personal blog that in no way reflects the opinion of the *Newton Daily News* or Shaw Media. While he is entitled to his opinion, his public airing of it compromised the reputation of this newspaper and his ability to lead it. ... He has a right to voice his opinion. And we have a right to select an editor who we believe best represents our company and best serves the interests of our readers."

But this argument that Bob should be terminated for the expression of his distinctly religious opinion violates Title VII of the United States Civil Rights Act of 1964. As, Liberty Institute asserts:

"The Media Company cannot fire someone for religious expression any more than it can fire an African-American for

being a member of the NAACP, or a Muslim reporter who expresses personal offense on his own blog when he learns that United States government personnel flush Korans down the toilet.”

Fact-Checking the Media Company’s “Response”

Additionally in our rebuttal, Liberty Institute and our volunteer attorney exposed Shaw Media for inaccuracies in its response to the EEOC charge ... and made four key points questioning the employer’s blatant discrimination against Bob Eschliman’s expression of his religious beliefs:

1. Shaw Media omits and misconstrues the facts.
2. In addition to omitting the fact about the disgruntled former employee, Shaw Media also says it was unaware of Bob’s personal blog—even though Bob informed his supervisor on numerous occasions (including during his initial interview with the company). Also, the overwhelming substance of Bob’s blog entry explains the differences, alterations and changes that some have made to the text of the Bible—the book by which Bob orders his entire life. Shaw Media attempts to caricature Bob’s religious opinions in an attempt to justify to the EEOC their unlawful termination of him.
3. Media companies must comply with Title VII. The requirements of Title VII of the Civil Rights Act of 1964 are as binding upon media companies as any other employer. Employers, including newspaper employers, may not make employment decisions based upon an employee’s religious beliefs or the expression of those beliefs. Shaw Media tries to exempt itself from Title VII, admitting multiple times that not only could it terminate Bob for the expression of a religious belief with which it disagreed, but that its policies and

principles underlying the industry required it do to so because of its special journalistic industry. That inexcusably violates Title VII.

4. Shaw Media intentionally discriminated against Bob Eschliman. Bob engaged in the private expression of his sincerely held religious beliefs during hours in which his employer had no supervisory control of him, in the privacy of his own home. Shaw Media suspended and then terminated his employment, without any hearing or discussion, because of it. That is illegal! To excuse its unlawful behavior, Shaw Media had to offer a reason to support their public shaming of Bob's religious beliefs and opinions. Not able to question his work ethic or work product, they chose to scapegoat the religious beliefs he expressed on his personal blog and on his personal time.
5. Bob Eschliman's case is about discrimination. It is undisputed that Bob is a member of the Christian faith and, as such, falls within the protected category of a "religion." His accolades and awards during his tenure with the media company establish the reality that he was meeting, if not exceeding, his employer's expectations. Bob's suspension and subsequent termination because of what he wrote about his religion on his personal blog, while at home, demonstrate that Shaw Media discriminated against Bob on the basis of his religious beliefs by taking an illegal adverse employment action in clear violation of Title VII's prohibition on religious discrimination.

Defending Americans' Religious Liberty in the Workplace

As the EEOC continues its investigation of workplace discrimination against Bob, we believe the evidence should compel them to decide on behalf of Bob Eschliman. But sadly, Bob's story is not an isolated incident, and Liberty Institute is also defending other everyday, God-fearing Americans like

him against religious discrimination in the workplace.

With our volunteer attorneys, we also represent:

- Chaplain Wes Modder, a highly-decorated Navy chaplain who the U.S. Navy is threatening with career-ending punishment for sharing his religious beliefs and moral convictions during private counseling sessions.
- Craig James, a TV sports analyst who was terminated when his employer, Fox Sports, learned he had publicly expressed commonly-held religious beliefs concerning marriage prior to his employment during a political campaign.
- Dr. Eric Walsh, a respected public health official who was terminated by the Georgia Department of Public Health, after he had accepted a senior position, because of the religious beliefs he expressed as a lay minister.
- Chaplain Joe Lawhorn, an Army chaplain punished by the Army because during a suicide prevention training, he shared his own personal testimony of how his Christian faith helped him counter depression.

Please pray as we work to restore the rights of those like Bob Eschliman, Chaplain Wes Modder, Craig James, Dr. Eric Walsh, and Chaplain Joe Lawhorn, who face discrimination for religious expression. These are all-too-real reminders that there is a direct attempt at “religious cleansing” in the workplace for both employers and employees in our nation today.