

SANDLER, REIFF, YOUNG & LAMB, P.C.

June 20, 2011

Via E-Mail and Overnight Courier

Dianne Brandi, Esq.
Executive Vice President—Legal & Business Affairs
FOX News Network, LLC
1211 Avenue of the Americas—2d Floor
New York, NY 10036

Re: Statements Made on FOX News Network Regarding Van Jones

Dear Ms. Brandi:

I am writing on behalf of our client, Mr. Van Jones. Mr. Jones is currently a Senior Fellow at the Center for American Progress and holds a joint appointment at Princeton University, as a distinguished visiting fellow in the Center for African American Studies and in the Program in Science, Technology and Environmental Policy at the Woodrow Wilson School of Public and International Affairs.

For nearly two years, on programs broadcast on and by the Fox News Network, a series of sensational and inflammatory charges have been made against Mr. Jones. Each of these statements is demonstrably, unequivocally and absolutely false, and each is clearly defamatory, as set forth below.

We address each below.

(1) “Jones is a Communist”/”revolutionary”/”Marxist”

On the Glenn Beck show broadcast by FOX News Network on June 13, 2011, Glenn Beck called Mr. Jones an “unrepentant communist” and a “radical revolutionary” who apparently opposes the American Dream and capitalism.

On the Sean Hannity Show broadcast on FOX News Network on April 26, 2011, Mr. Hannity stated: “You’re friends with Van Jones, an avowed Communist and 9/11 truther, you’re friends with him?”

On March 3, 2011, Mr. Beck stated on his FOX News program, “By now on this program, you have come to know Van Jones as a racial revolutionaries, a communist.....”

On May 19, 2010, Bill Reilly stated on his program, The O'Reilly Factor, on Fox News, "And Van Jones had to resign because he was a far left kook, Communist guy."

On his FOX News program on February 28, 2011, Mr. Beck stated of Mr. Jones, "Van Jones,Do not dismiss this man....He's also an unrepentant communist revolutionary...."

On November 18, 2010, Mr. Beck stated on his Fox NEWS program, about Mr. Jones, "You watch this guy. This guy is trouble. He is dangerous. He is a communist...."

Mr. Jones is not a member of any Communist Party or Marxist organization whatsoever, and has not expressed any support for any form of Communist or Marxist ideology for many years. In the same 2005 article in which he Mr. Jones discussed having had such notions as a young man, he also talked about his growth away from those views.

Mr. Jones has repeatedly clarified that his economic views are firmly pro-market, in numerous speeches, televised interviews and in the Huffington Post. In fact, Mr. Jones is known as a leading champion of free market solutions to current environmental problems. His best-selling book, THE GREEN-COLLAR ECONOMY (2009), advocates government policies to promote private sector innovation. The World Economic Forum itself has repeatedly honored Mr. Jones' work. He has been called the "green" Jack Kemp, because he shares the late GOP leader's commitment to entrepreneurship as a cure for poverty.

The allegations that Mr. Jones is an "unrepentant communist," "is a Communist," "is a Communist guy" and is a "revolutionary" are thus demonstrably and unequivocally false. Clearly these statements were calculated to, and do, injure Mr. Jones in his professional and community standing and lower him in the estimation of the American public. They are actionable as a matter of law.

(2) "Jones is violent" / "spent time in jail"

Mr. Beck and other commentators on FOX News Network have repeatedly made statements implying that Mr. Jones is violent and/or is a criminal. On his program on March 3, 2011, Mr. Beck referred to Mr. Jones as "a guy who called for radicalism and violence on the streets..."

On March 2, 2011, on his FOX News program, Mr. Beck admitted he was mistaken when he called Mr. Jones a convicted felon, but stated, "He was—he just spent some time in jail, or he was arrested."

On his FOX News program on February 28, 2011, Mr. Beck referred to anarchists engaged in violence, "They clash with police throwing rocks and bottles at them and

smashing cruisers....We are anarchists....You will find the same kind of sentiment with the people like Van Jones, the Marxists, the communists, the anarchists, the Islamists.....[T]hey all want the same thing.”

Mr. Jones has never been convicted of any crime, ever. He does not advocate violence of any form or kind. He was not present in Los Angeles during the “Rodney King” riots, and he has never played any role in any riot.

In May of 1992, Mr. Jones was detained by the San Francisco Police Department for several hours along with thousands of protesters who had participated in a peaceful demonstration. Mr. Jones, a student at Yale Law School at the time, had been serving as a legal monitor of the march. Mr. Jones later brought an action for false arrest and imprisonment, and judgment was entered in his favor.

The statements that Mr. Jones is violent and has “spent time in jail” are absolutely false, are inherently defamatory and are actionable as a matter of law.

(3) “Jones is a 9/11 truther”

On March 23, 2011, Mr. Beck stated on his FOX News Network show that, “[Y]ou know, because they didn’t know Van Jones was a 9/11 truther, you know? I means, should we expect the white House to distance himself....Maybe we should tell him he’s a 9/11 truther.”

On April 26, 2011, Mr. Hannity stated, on his FOX News Network show, “You’re friends with Van Jones, an avowed Communist and 9/11 truther, you’re friends with him?”

On April 7, 2011, Mr. Beck stated on his program on FOX News, “Don’t worry about Van Jones and the 9/11 truther in the White House. He’s not there.”

From March 1, 2010, through today, the FOX News website has posted a article by Mr. Beck, entitled “We Love You too, Van Jones”, in which Mr. Beck states that Mr. Jones “was a 9/11 Truther, listed as a signer of the 9/11 Truth Commission petition that called for an inquiry into evidence government officials were involved in the Sept. 11 attacks.” <http://www.foxnews.com/story/0,2933,587705,00.html>.

Mr. Jones has never advocated or expressed support for any theory that the 9/11 terrorist attack was the result of a conspiracy involving the U.S. Government.

Six years ago, a group espousing such views, and claiming to represent 9/11 families, claimed that Mr. Jones supported a statement, the “911 Truth Statement” expressing such views. That group, “911truth.org,” has since admitted that “we do not have a written signature and his [Jones’] view is that he does not agree with the statement.” (911 Truth.org Statement,

<http://www.911truth.org/article.php?story=20100728050804846>). The organization has corrected its error by removing Mr. Jones' name (and the names of two other leaders who were also listed erroneously) from its website.

In fact, Mr. Jones never saw and never signed the statement. He never did and would never approve the use of his name in connection with any statement suggesting any view of 9/11 other than that it resulted from a conspiracy sponsored by Osama bin Laden and the Al-Qaeda terrorist organization. Mr. Jones has repeatedly made those views clear, in multiple interviews (including on CNN).

The statements that Mr. Jones is a "9/11 Truther" are thus also completely false and, under the applicable legal standards, clearly defamatory. The statements have no conceivable purpose other than to injure Mr. Jones in his professional standing and lower him in the estimation of the community, and the statements have had that effect.

(4) "Jones is a cop killer" / supported a cop-killer"/ "hates cops"

On FOX and Friends, on May 12, 2011, the program host stated that, "Whether you're talking about his association with Bill Ayers and the Weather Underground and embrace of Van Jones, even for a fleeting moment, who was a proponent of convicted cop killer,...."

On March 3, 2011, Mr. Beck stated on his FOX News program, "By now on this program, you have come to know Van Jones as a radical revolutionaries, a communist, a cop killer...." Mr. Beck further called Mr. Jones "a radical revolutionary communist that doesn't like cops...."

From March 1, 2010, through today, the FOX News website has posted an article by Mr. Beck, entitled "We Love You Too, Van Jones," in which Mr. Beck states that Mr. Jones "defended a cop killer in 1999...."
<http://www.foxnews.com/story/0,2933,587705,00.html>.

Mr. Jones has never expressed, and never would express, any support of any kind for acts of violence against law enforcement officers. Mr. Jones' father was a police officer in the military. Mr. Jones' uncle currently serves as a police officer in the same tough community in which Mr. Jones' father grew up.

In the case of Mumia Abu Jamal, charged with murder of a police officer and sentenced to death in 1982, Mr. Jones did and does oppose imposition of the death penalty, inasmuch as he generally opposes the death penalty on moral and practical grounds and does not believe that it is a uniquely effective deterrent to crime. In addition, Mr. Jones supported the calls for a new trial because of very credible indications that Mr. Abu-Jamal had not been afforded a fair trial—allegations supported in a report issued in 2000 by Amnesty International.

The statements that Mr. Jones is a “cop killer, is a “proponent of [a] convicted cop killer” and that he “defended a cop killer” clearly imply that Mr. Jones supported or endorsed the heinous crime of which Jamal was accused and is unsympathetic to police officers generally. These statements are entirely false and inherently defamatory.

(5) “Jones is a racist” /”hates white people”

Statement have been made repeatedly on the FOX News Network implying that Mr. Jones is racist and/or hates white people.

Mr. Jones has spent his entire life opposing and combating racism. He has achieved a reputation for building coalitions across racial and ethnic lines to advocate for sensible environmental policies.

Mr. Jones has never made, and would never make, any remark disparaging any racial or ethnic group, or any individual on the basis of gender, race, ethnicity, religion or any other ground.

The charge that Mr. Jones is racist is based on two video clips which have been taken completely out of context. In the first clip, Mr. Jones notes that most of the celebrated instances of mass gun violence at schools involved young white men. But viewed in its full context, Mr. Jones is expressing compassion for young white males who may feel desperate due to neglect, and he points to the need for society to pay more attention to their emotional, economic and other needs. In the second clip, Mr. Jones is quoted as suggesting that white environmental activists and regulators had in the past been insufficiently sensitive to the problem of locating facilities generating hazardous waste or pollution in communities of color. He then goes on to argue that all people should work together across lines of class and color, to find positive solutions. Nothing in this clip remotely suggests any prejudice or bias on the part of Mr. Jones.

The statements that Mr. Jones is racist are thus completely false. As it injures Mr. Jones’ reputation in the very public policy areas in which Mr. Jones has been recognized as a leader, the statement is clearly defamatory as well.

(6) “Jones organized/attended an Anti-America rally on 9/12/2001”

On his program on FOX News Network on April 5, 2011, Mr. Beck stated, “we have recently found a videotape of what Van Jones was doing the day after 9/11. Where were you on 9/12?...[T]heir lives were lost because of our government, inhumane foreign policy,... at what our country does around the rest of the world that leads us not to be safe her...Van Jones had similar words. That’s where he was on 9/11.... Here he is, the day of 9/11 at that same rally, . . .It’ the bombs that the government has been dropping around the world that are now blowing up inside the U.S. borders...When you see where he was, and what he said, . . . when you hear what he was saying on 9/12/2001, you might want to reconsider.....This is a question you must ask yourself now. Do I see

American the same way as these communists, radicals, revolutionaries and Islamists see America?"

Mr. Jones was one of many speakers at a small gathering in Oakland on Sept 12th 2001 convened to express shock and horror at the atrocities committed on 9/11. Mr. Jones did not organize or lead the gathering.

Mr. Jones does not agree with the hateful, misguided sentiments of some of the attendees featured in this clip and has never endorsed or adopted any such sentiments. His comments at the rally were for all people to eschew violence and pursue change through peaceful means. As with any political figure, he is often forced to share the stage with people with whom he strongly disagrees.

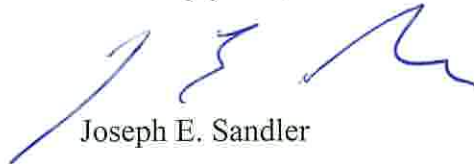
On behalf of Mr. Jones, we demand that the FOX News Network (i) *immediately* cease and desist from further dissemination of the above-quoted statements or any statements similar in substance; and (ii) broadcast on the Glenn Beck Program an express and specific retraction of these statements.

Please let us know by close of business this Friday, June 24, 2011 (i) whether FOX News Network has complied with the first requests and (ii) whether FOX News Network intends to comply with the latter request and, if so, how and when.

Our client has instructed us that, in the event that the FOX News Network does not immediately cease and desist from further dissemination of the above statements, or does not confirm its intention to comply with the request for a retraction, we are to explore all available legal remedies to address the injury caused to Mr. Jones by these false and defamatory statements.

Thank you for your time and immediate attention to this matter.

Sincerely yours,



Joseph E. Sandler

cc: Mr. Joe Kerry (via email)
Ms. Tiffany Siegel (via email)