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May 29, 2018

VIA E-MAIL

Mr. Jeff Zucker
President, CNN
CNN Center
190 Marietta Street NW
Atlanta, Georgia 30303

Re: Morgan Freeman

Dear Mr. Zucker:

This law firm represents Morgan Freeman. On Thursday, May 24, 2018, Mr. Freeman was the subject of an article that CNN published on its website by reporters Chloe Melas and An Phung.

Given that Mr. Freeman is a world-renowned actor, and that the article sought to associate him with Hollywood actors and executives who have used their positions to trade sex for career advancement, it will come as no surprise to you that CNN's article attracted explosive attention in newspapers and websites throughout the world.

But no one who read CNN's article about Mr. Freeman was told that it was the product of malicious intent, falsehoods, slight-of-hand, an absence of editorial control, and journalistic malpractice.

I am writing to bring some of these issues to your attention. Our own investigation has just begun. But at just this early stage, our review confirms that:

- Of the three people CNN identified as being a "victim," the first, CNN's own Chloe Melas, had no reasonable basis to have interpreted what Mr. Freeman said or did at the *Going In Style* interview last year as having been directed at her or as any form of harassment. The videotape confirms that his statement had nothing to do with her and was not harassing. And an independent third party, the Warner Bros. Human Resources Department, investigated her claim and concluded that it was not supported by the facts.
- The second person CNN identified, Tyra Martin, has gone on record twice since CNN published the article to state that CNN misrepresented what she said to CNN and that Mr. Freeman did not harass her.

Mr. Jeff Zucker / CNN
May 29, 2018 – Page 2

- The third person CNN identified, Lori McCreary, told CNN that Mr. Freeman never harassed her. And as to CNN's gratuitous sideswipe at Ms. McCreary herself, yet another independent party investigated the claim when CNN raised it, and found it to be meritless.
- Ms. Melas baited and prodded supposed "witnesses" to say bad things about Mr. Freeman and tried to get them to confirm her bias against him. Thus, no reader of the article can have any confidence that any of the anonymous sources, which make up the balance of CNN's article, can be relied upon at all.

Based on those facts, and the additional information presented below, it is clear that CNN has defamed Mr. Freeman. CNN has inflicted serious injury on his reputation and career. At a minimum, CNN **immediately** needs to issue a retraction and apologize to Mr. Freeman through the same channels, and with the same level of attention, that it used to unjustly attack him on May 24. CNN also needs to retract the portions of the story that concern Lori McCreary and apologize to her for defaming and injuring her.

* * * * *

CNN's reporter, Chloe Melas, has admitted that she was inspired to write the story and, in fact, to conduct her "whole investigation" into Mr. Freeman, by her experience in 2017 while interviewing Mr. Freeman and his *Going In Style* co-stars. Here's what she said when she appeared on CNN Headline News on May 25:

The impetus for the story and this whole investigation was actually my own experience with Morgan Freeman at a junket last year, for the movie *Going In Style*. Right when I walked into the room, he began making sexually suggestive comments to me. Now, as an entertainment reporter for over a decade, it was truly unlike anything I have ever experienced. One of those comments was caught on tape. In this tape, he says to me, "Boy do I wish I was there," while looking me up and down. I was six months pregnant at the time. And his co-stars Alan Arkin and Michael Caine were seated on either side of him and actually looked at him when he made this comment to me. Again, it was caught on tape. And take a note of Freeman's eyes in this clip.

The problem with Ms. Melas' account, which infected everything that she and CNN thereafter did, is that her version of the interview is false. It is based on her imagining that Mr. Freeman had said or done anything to harass her. However, there is substantial evidence that Ms. Melas imagined an incident, or exaggerated a non-malicious remark wildly out of proportion to reality, to give her a basis to go after Mr. Freeman and cause him the grave harm that CNN's story has inflicted.

It is correct that, during the interview, Mr. Freeman said, "I wish I was there." But Ms. Melas had no factual basis to have interpreted that as a statement about her, or as sexual harassment. The videotape makes clear that Mr. Freeman was in fact responding to a story

Mr. Jeff Zucker / CNN
May 29, 2018 – Page 3

that Michael Caine had just told.¹ In that story, Mr. Caine had congratulated a woman on becoming pregnant, only to learn to Mr. Caine's (and the woman's) embarrassment that she was not pregnant. When Mr. Freeman said "I wish I was there," any reasonable viewer would have known that the "there" to which he was referring was the conversation in which Mr. Freeman's friend, Mr. Caine, had embarrassed himself. That is exactly what Mr. Freeman intended.

Despite what should have been clear to Ms. Melas, she chose to interpret Michael Caine's anecdote, and Mr. Freeman's remark about it, as having something to do with her and as harassment. One cannot know if that was the product of something as innocuous as Ms. Melas' having misheard what Mr. Freeman said, her runaway self-centeredness, or her search for a sexual harassment perpetrator to "expose" so that she could grab attention and advance her career. One also has to ask whether Ms. Melas would have had the same unjustified overreaction if the remark had come from Michael Caine or Alan Arkin.

Regardless, nothing about what Mr. Freeman said—or any "look in his eyes"—supports Ms. Melas' takeaway. Ms. Melas nonetheless made a conscious decision to treat Mr. Freeman's comment as a form of sexual harassment, and then set out on a crusade to vilify him. As one person who saw Ms. Melas' *Going In Style* interview reacted:

I just can't believe that not a single person at @CNN or @News Day watched that @Chloe_Melas video and didn't think to tell her that Morgan Freeman was talking about Michael Caine and not her. Way to play the victim, @Chloe_Melas.

Others have seen the video that served as the "impetus ... for this whole investigation" into Mr. Freeman and reacted with equal disgust at how CNN has spun it against him:

[Chloe Melas] is straight up lying about what was said to her and lying that he was even looking at her. Question is why is she still employed?

Another person noted:

I call BS on this story, especially the clip where Morgan Freeman says "I wish I was there" in response to a story Michael Caine just finished telling.²

It is not the responsibility of the victim of CNN's sloppy and malicious journalism to do the fact-checking that CNN should have done before it ran this scandal-mongering hit

¹ The video is available at <https://www.westernjournal.com/ct/metoo-goes-too-far-clip-of-morgan-freeman-harassment-mocked-after-release/>

² See also https://www.reddit.com/r/MorganFreeman/comments/8m5vxb/morgan_freeman_apologises_after_being_accused_of/dzo6bne/.

Mr. Jeff Zucker / CNN
May 29, 2018 – Page 4

piece on Mr. Freeman. But as explained below, it is clear at just this early point in investigation that CNN approached this story with a reckless disregard for the truth and with a malicious intent to harm Mr. Freeman.

1. Under bedrock principles of journalistic integrity, CNN should not have allowed Ms. Melas to work on the story.

As a supposed victim of the article's subject, Ms. Melas lacked the requisite impartiality and objectivity to fairly cover the story she was chasing. Under those circumstances, CNN should not have allowed her to write it.

Numerous well-respected journalists, including current and former editors of *The New York Times*, *The Wall Street Journal*, and *The Washington Post* have noted CNN's breach of this basic rule of integrity and expressed surprise that CNN allowed this to happen here. See, e.g., <https://www.thewrap.com/cnn-defends-unorthodox-decision-to-let-morgan-freeman-accuser-co-author-expose/>.

As Leslie Wayne, a former business reporter at the *New York Times*, said bluntly, the breakdown in journalistic ethics that CNN inflicted on Mr. Freeman "would not be allowed" at *The Times*. *Id.*

If CNN were committed to impartial reporting about Mr. Freeman, on a topic of extreme sensitivity and with the potential to destroy him, CNN should not have allowed that breakdown to occur. But CNN did.

2. CNN chose to accept Ms. Melas' attack on Mr. Freeman even though all of the objective evidence undermined her account.

The videotape of Ms. Melas' interview with Morgan Freeman, Michael Caine, and Alan Arkin is objective evidence of what happened. It refutes her belief that Mr. Freeman's remarks were directed to her or could have reasonably been viewed as offensive. As noted above, and as the videotape demonstrates, it is obvious—painfully so—that Mr. Freeman's remark, "I wish I was there," concerned Michael Caine's story. Nothing about it could in any reasonable way be construed as a comment about Ms. Melas or as harassment.

If CNN had not left this story to Ms. Melas to assemble, impartial editors would have viewed the objective evidence and told her that either: (a) she had made a mistake, or (b) she was over-reaching and trying to attack Mr. Freeman. CNN's failure to provide this kind of check and oversight is a textbook case of irresponsible journalism.

CNN disregarded additional objective evidence. As you know, Ms. Melas complained to the Warner Bros. Human Resources Department at the time. They investigated her accusations. They found her claim to lack sufficient factual support to merit pursuing it further. In other words, having reviewed the segment and having interviewed others who were present, the Warner Bros. Human Resources Department did not agree with

Mr. Jeff Zucker / CNN
May 29, 2018 – Page 5

how Ms. Melas was attempting to spin it. CNN's article, however, deceptively downplays that independent third party's conclusion that Ms. Melas had no basis to treat Mr. Freeman's comments as harassment:

Warner Bros. HR could not corroborate the account because only one of Freeman's remarks was on video and the Warner Bros. employees present did not notice anything.

That is indefensibly misleading. The remark that *was* captured on the video, and the remark that the Warner Bros. Human Resources Department personnel *did* see, was the key statement that Ms. Melas interpreted as harassment, namely, "I wish I was there." The Warner Bros. Human Resources Department responded to Ms. Melas' complaint. Its personnel did not believe that that statement constituted harassment of her because it was obviously not about her, or for other reasons. Based on these facts, an honest account required CNN to have said something more like this:

After looking at the *Going In Style* interview, Warner Bros. HR Department personnel disagreed with Ms. Melas that the remark "I wish I was there" concerned her or constituted harassment. Other Warner Bros. employees were present while she taped the interview. Yet none of them heard or saw anything to substantiate Ms. Melas' accusation that Mr. Freeman had said or done anything that constituted harassment. As a result, Warner Bros.' HR Department declined to pursue the matter further.

Such an account should and would have caused CNN to question whether there was even a story to pursue. But CNN ignored that. Even worse, that non-story caused CNN to give Ms. Melas a green light to use CNN's considerable resources to launch a year-long witch hunt against Mr. Freeman. That is not something the editors of *The New York Times*, *The Wall Street Journal*, or *The Washington Post* would have allowed to happen. But again, CNN did.

3. **CNN urged people to claim they had been harassed, even when they said they had not.**

After getting CNN's permission to pursue an unjustified and scandalous vendetta against Mr. Freeman, Ms. Melas cast her net far and wide. We believe that she created lists of thousands of people who worked on the motion pictures that Mr. Freeman had worked on over more than ten years. We also believe that she called hundreds of them, trolling to find anyone who would, by saying something negative about Mr. Freeman, confirm her bias against him. That is a shady journalistic tactic, particularly when CNN's published article fails to disclose what the writer did.

After one year's work, Ms. Melas appears to have found a few people who were willing to say bad things about Mr. Freeman. CNN has kept their names out of the story, so

Mr. Jeff Zucker / CNN
May 29, 2018 – Page 6

we are at a disadvantage in trying to verify their assertions. But within hours after CNN published the article, many people that CNN contacted to generate the story came forward—unprompted—to criticize CNN publicly for its improper conduct and its outright misrepresentation of what they had said to CNN about Mr. Freeman.

Tyra Martin, Senior Segment Producer at Chicago’s WGN News, is mentioned in the CNN article. In fact, she and Lori McCreary are the only two named people in the story, besides Ms. Melas, who supposedly claim to have been harassed. But Ms. Martin’s actual experience and Ms. McCreary’s (as shown below), do not support CNN’s story.

Ms. Martin has interviewed Mr. Freeman many times over the years, without feeling that his interactions with her were inappropriate. The CNN article says, however, that “Martin felt that one incident crossed a line,” when she got up after an interview and adjusted her dress.

When Ms. Martin discussed these matters on WGN on May 24, she stated unambiguously that CNN had misrepresented the facts:

Mr. Richards: *Not* one of those eight women accusing Mr. Freeman, but included in that CNN story for her experiences with Mr. Freeman, is WGN senior segment producer Tyra Martin. Tyra has interviewed Morgan Freeman several times. What’s your take on the story, in general?

Ms. Martin: I’m sorry for anyone who’s had an unfortunate experience or feels harassed or assaulted. **That wasn’t my experience with Morgan Freeman. The interviews were always fun for me.**

Mr. Potash: In the wake of the #MeToo movement, does it change your view of that conversation [with Mr. Freeman]? I don’t know how many years ago it was.

Ms. Martin: It doesn’t. I understand how for some people, not just women, men even, that kind of interaction might not be fun or easygoing. But it always felt like we were in on a joke, that we were just kind of exchanging like that.

Ms. Baumgarten: **Do you feel that you were mischaracterized in how you were presented in the [CNN] story?**

Ms. Martin: **Yes.** Some misreporting got out that I was uncomfortable or that he had made sexual remarks to me every time. That’s just not the case. I never said that. It got picked up. And here’s where I learned how careful we have to be, because something gets picked up. And then someone else picks it up. And then

Mr. Jeff Zucker / CNN
May 29, 2018 – Page 7

it gets somewhere else. And now it's in print. **And it looks like the truth. And it's just not.**

See <https://www.facebook.com/LarryPotash/videos/10155778853173406/>.

When Ms. Martin's colleagues asked her about the one incident that, according to CNN's article, Ms. Martin had supposedly said "crossed the line," she said something quite different: "**I never felt uncomfortable or in danger.**" *Id.* CNN's omission of that key fact gives a profoundly negative and misleading impression about what Ms. Martin actually said about Mr. Freeman.

Lest there be any doubt that CNN misrepresented what Tyra Martin said, in the last few days she was even more emphatic:

A woman mentioned in the CNN story – Tyra Martin, reached out to TMZ and said, "Hey, still getting a lot of nasty messages from people who think I am one of the accusers. **I'm not, never was. CNN totally misrepresented the video and took my remarks out of context.**"

See http://www.tMZ.com/2018/05/26/morgan-freeman-sexual-harassment-apology-cnn/?adid=TMZ_Search_Results.

Tyra Martin is not alone. CNN approached many others to prod them into saying negative things about Mr. Freeman. In the three days since the story broke, we have already discovered that many of those people, after reading the CNN article, were shocked by CNN's unsavory news-gathering practices:

I was one of the people contacted by Chloe Melas She was cold-calling everyone who had ever worked with him even if, as in my case, only for a few days. During the course of my conversation, it became abundantly clear that this was a personal vendetta and she asked me not to "tell anyone" about what we discussed. She is the lowest form of "reporter."

See <https://imgur.com/pqcXDO0>.

Given that CNN was spending many months calling people to attempt to dig up dirt on Mr. Freeman, rumors had spread that CNN was doing so. Word had spread to potential "witnesses" even before Ms. Melas or one of her CNN colleagues called them. As a result, when a reporter would call to ask about harassment, if the reporter said she was from CNN, many people knew that the reporter was going after Mr. Freeman—not because of anything he had done, but because they knew the game CNN was playing. And if the person CNN was interviewing identified someone other than Mr. Freeman, the CNN reporter tried to bait the person into trashing him:

Mr. Jeff Zucker / CNN
May 29, 2018 – Page 8

Several other times during this investigation, when a CNN reporter contacted a person who had worked with Freeman to try to ask them if they had seen or been subject to inappropriate behavior by an actor they had worked with – not even initially naming the person they were asking about – the person would immediately tell them they knew exactly who the reporter had in mind: Morgan Freeman. This one’s good: She asked me if sexually inappropriate behavior on a set rang a bell. We had very briefly hired Stephen Collins from Seventh Heaven PRIOR to his story coming out (he was fired minutes after the story broke), so naturally I mentioned him. **She kept baiting me to name Morgan;** repeatedly asking the question, who had I worked with. So briefly I forgot he [Mr. Freeman] was even in the film. Finally, she had to name him [Mr. Freeman] herself. (emphasis added.) *Id.*

Other people have made similar comments: “Chloe Melas who is spearheading the sexual accusations against Morgan Freeman has a serious ulterior motive for slandering Morgan Freeman’s name.” “Seems like pure revenge by the journalist or she wanted her 15 minutes of fame.”

It is not surprising that, after making dozens, hundreds, or some other vast number of phone calls, Ms. Melas was able to find people who claimed to have seen or experienced something bad. But in view of Ms. Melas’ bias against Mr. Freeman and her determination to pressure people into twisting non-harassing behavior into something much worse, there is ample evidence for one to be concerned that she acted similarly in her dealings with all of the sources mentioned in her story. In other words, CNN should be concerned that the entire story is the product of manipulative practices and not an honest account of anything, from its alleged skirt-lifting incident on down to the bottom of the page.

4. CNN baselessly attacked Lori McCreary to further attack Mr. Freeman.

Our concern that CNN’s article was a hit piece is further reinforced by the article’s underhanded treatment of Lori McCreary, Mr. Freeman’s business partner of more than 20 years. As to Ms. McCreary, CNN’s article is a trifecta of misstatements.

First, CNN is flat out wrong in stating that Ms. McCreary “witnessed” Mr. Freeman engage in harassment and, implicitly, did nothing about it.

Second, CNN states that Mr. Freeman harassed Ms. McCreary by making comments about what she was wearing 20 years earlier. Ms. McCreary did not feel harassed. In fact, a writer for the *Hollywood Reporter* who, unlike CNN, was there, heard him make the remarks and believed that they were not harassing. CNN knew that before it ran the story.

CNN’s third assertion, that Ms. McCreary ruined someone’s job prospects at the Producers Guild of America, is so wrong and so reckless that it warrants special attention. CNN wrote that one of its anonymous sources supposedly confirmed that, “on a phone call

Mr. Jeff Zucker / CNN
May 29, 2018 – Page 9

with a member of PGA, McCreary said of a candidate vying for a position at PGA East, ‘she’ll never be able to do a good job, she has a family.’” It was wrong for CNN to have published that statement:

- Ms. McCreary never told the PGA not to hire someone because they had a family, or anything like that. It is completely false.
- Even worse, CNN knew that it was false before it published the story. When CNN told the PGA about the assertion, the PGA conducted an investigation. It found the claim to be without merit. That should have ended the matter. Why would CNN include a false accusation that had been investigated by a professional organization and found to be without merit, unless CNN wanted to create a scandal where there was none? That’s malice.

Worse still, none of this had anything to do with whether Morgan Freeman, the subject of the article, had done anything wrong. CNN’s inclusion of its baseless diversion about Ms. McCreary confirms that CNN had a malicious agenda and was willing to say anything to achieve it. CNN owes a separate retraction and apology to Ms. McCreary.

5. CNN has inflicted substantial harm on Mr. Freeman.

In light of the article’s subject matter, CNN had to have known before publishing the article, that the article would have devastating consequences for Mr. Freeman. And it has.

Because of CNN’s exploitation of the issue and the eternal memory of the Internet, Mr. Freeman is being viewed in the global court of public opinion as someone akin to notorious harassers and accused rapists, such as Harvey Weinstein and Kevin Spacey. CNN had no justification for doing that.

Predictably, those who work with Mr. Freeman have felt the need to distance themselves and to consider suspending further engagement. Ms. Melas herself gloated about this on CNN. No doubt, you have seen similar reports concerning some of Mr. Freeman’s other employers. The damage CNN has inflicted is real. And given Mr. Freeman’s career and many motion picture and television commitments, it is substantial.

* * * * *

It has been said that “A lie gets halfway around the world before the truth can get its boots on.” In just the few days since CNN published the article on Mr. Freeman, it has traveled all the way around the world and back, millions of times. If CNN has any decency, or any allegiance to journalistic integrity, it will immediately retract the article and issue a public apology to Mr. Freeman.

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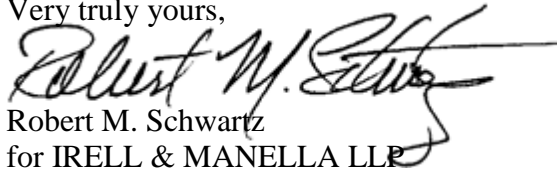
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Mr. Jeff Zucker / CNN
May 29, 2018 – Page 10

This letter is not intended to constitute a complete statement of all of the facts related to CNN's conduct. Mr. Freeman is hereby reserving all of his rights, claims, and remedies against CNN and its employees.

We await your response.

Very truly yours,



Robert M. Schwartz
for IRELL & MANELLA LLP

cc: Morgan Freeman