

Comment by Stephen Bergstein, employment discrimination attorney, to *Chronogram* editor Brian Mahoney

July 2, 2018 - published comment to "Make Choices, Have Reasons"

Eric shared with me the details of the investigation in connection with the allegations against him, and I read the transcript of the lengthy interview that your attorney-investigator conducted with him. During that interview, Eric was not confronted with any information that would suggest that he had done anything wrong.

So far as I can tell, the "evidence" against Eric consists of second-hand allegations, rumors, reputational-evidence and something that happened 20 years ago, again without enough detail to suggest that Eric did anything that would violate Chronogram's values.

Since Eric was not confronted with any such allegations, he did not have the opportunity to fully defend himself during that interview. As you know, Eric showed up for that interview fully prepared to discuss anything that might have troubled your investigator.

And, as you also know, the attorney you hired to conduct the investigation is an experienced former federal prosecutor. If your investigator had something on Eric, he should have presented it to Eric. Again, as far as I was able to tell, that did not happen. Yet, you have now publicly "exposed" Eric as some kind of #MeToo violator.

I do not know what you are referring to when you cryptically state that the investigation "revealed a pattern of behavior not aligned with the values of this publication and the community it represents."

But I am fairly certain that, whatever those allegations may be, you did not have the benefit of any serious input from the man you sufficiently trusted to publish his column for 20 years. The irony is that the column that got Eric in trouble had to do with the need for due process in making serious allegations about other people.

As a civil rights attorney who represents sexual harassment victims, I am as outraged over sexual misconduct and harassment as anyone, and I handle these cases on a pro bono/contingency basis in the belief that these cases are worth pursuing, even against large corporations that hire multiple attorneys to defend themselves in an effort to run out the clock. But the touchstone of any fair judgment against anyone is a fair process, not rumors and second-hand allegations.