

ESPN Anchor and Vaccine Skeptic Sage Steele's Free Speech Battle With Disney Heats Up

Conflict echoes media giant's First Amendment fight against Ron DeSantis over "Don't Say Gay" bill

By Tatiana Siegel



Robin Mazchant

In September 2021, at the height of the Covid pandemic, ESPN anchor Sage Steele appeared on the podcast "Uncut with Jay Cutler" on her day off. During the interview, Cutler asked Steele why she had a bandage on her arm, and she explained that she had just received the jab in compliance with Disney policy, which required salaried and non-union workers to be fully vaccinated. The 16-year veteran of ESPN went on to slam the corporate mandate as "sick" and "scary" and noted that she "didn't want to" get the vaccine but still complied in order to keep her job and support her family.

During the 71-minute podcast, Steele also expressed other views that deviated from prevailing discourse in most of the mainstream media, namely that as a self-identified biracial woman, she didn't understand why Barack Obama only identified as Black. "You do you. I'm gonna do me," she said.

But it was her Covid comments that rankled ESPN leadership, according to sources familiar with her case. When the Cutler interview with Steele aired on Sept. 29, 2021, the reaction in the media and among Twitter's blue check-mark set was swift and harsh, with some misquoting her and taking her comments out of context, calling her them "appalling," "awful," "bonkers," and "nasty." Nine months earlier, Disney faced a similar maelstrom when its "Black Panther" star Letitia Wright posted a video on Twitter that questioned the legitimacy of the Covid vaccine, accused China of spreading the virus and included comments that were dubbed transphobic. Unlike the Wright case, in which the actress was never publicly reprimanded, ESPN and Disney forced Steele to apologize in a statement and suspended her in October 2021. When she returned, she was removed from high-profile assignments that she previously anchored including the New York City Marathon and the Rose Parade.

In April 2022, Steele, who had no arbitration clause in her contract that is due to expire next year, filed a blistering lawsuit against ESPN and Disney. The under-the-radar battle is heating up now in superior court in Connecticut, where ESPN is based. In an ironic twist, it comes at the same time that Disney is waging a high-profile free speech battle with Florida Gov. Ron DeSantis after filing a lawsuit in federal court this month that claims the GOP presidential candidate retaliated against the company for opposing the state's so-called "Don't Say Gay" bill.

Steele's suit argues that Connecticut law prohibits private employers from disciplining their employees for engaging in constitutionally protected speech, whether that speech takes place in the workplace or outside of it. Given that her comments were made "on her own time and on matters of significant public interest," they are protected under both the U.S. and Connecticut Constitutions and her employer "illegally subjected her to substantial workplace penalties" and "retaliatory actions" despite admitting that the network did not immediately review Steele's comments or the context in which they were made, the suit says. Furthermore, ESPN took no steps to discipline co-workers who harassed and publicly criticized Steele for her comments.

While the drama surrounding other high-profile anchors like Tucker Carlson and Don Lemon have dominated the headlines in recent weeks, Steele's battle with Disney is playing out behind the scenes and could have reverberations in an industry grappling with how to handle speech it opposes. If Steele prevails, Disney could become a defendant in multiple jurisdictions in similar complaints involving its subsidiaries. Thus far, Disney has been unsuccessful in its bid to remove itself as a defendant.

The Steele case also comes at a time when Disney's war with DeSantis is generating massive press, with the company arguing that it faced "a targeted campaign of government retaliation ... [that] now threatens Disney's business operations, jeopardizes its economic future in the region, and violates its constitutional rights." Disney World is the largest employer in Florida, with some 75,000 employees. (O'Melveny & Myers's Daniel Petrocelli, who represented Disney in its fight against Scarlett Johansson over "Black Widow" backend compensation, is spearheading the suit against DeSantis.)

Attorney Mark Geragos, who is not involved in Steele's suit, says he was struck by "the similarities between her arguments and Disney's in the [DeSantis] case," and that "there's parallels, both factually and from a strictly legal standpoint."

"The core of free speech is you don't just tolerate speech you like. You engage with speech that you may not like," adds Geragos, whose clients have included Winona Ryder, Sean "Diddy" Combs and the late Michael Jackson.

Steele would not comment on her own case but offered a statement with regards to Disney's legal fight with Florida. "I wholeheartedly agree with Disney's position that in America, the government cannot punish you for speaking your mind," Steele says. "In my opinion, it begins and ends with diversity of thought. We must fight to preserve that fundamental constitutional right."

Disney and ESPN declined comment.

At issue in Steele's suit is her first amendment rights and not her vaccination status. (She was fully compliant with Disney's vaccine policy.) While suspended, ESPN senior VP Norby Williamson told Steele that she "whacked the company" and asked her if she was OK because she had been liking and tweeting things he found objectionable, according to the complaint. (Right before the Cutler interview aired, Steele retweeted a post from the Orlando Magic's Jonathan Isaac, who wrote: "I believe it is your God given right to decide if taking the vaccine is right for you! Period!")

Days later, "SportsCenter" senior VP Jill Fredrickson told Steele that some of her co-workers were hurt by her comments on the podcast, but the complaint contends that "Steele later learned that Fredrickson had been fishing for this response by asking employees directly if they were hurt." Steele claims that Fredrickson admitted she hadn't even listened to the podcast because it was too long.

Devin McRae, a partner at Early Sullivan Wright Gizer & McRae, says ESPN's location in Connecticut gives her an advantage that might not otherwise apply to Disney subsidiaries in many other states.

"If you're an anchor for a network, you are the face of that network. And anytime somebody is the public face of the company, and they start talking about the company, they might be opening themselves up to some kind of discipline from the company, including termination," McRae says. "But Connecticut has this interesting law that protects Sage."

As a result of her comments, Steele was publicly criticized and "bullied" by her colleagues "in direct violation of ESPN policy, yet those colleagues have faced no disciplinary action whatsoever, despite Steele's efforts to bring those attacks to the attention of Disney and ESPN executives," the complaint states. For instance, "SportsCenter" anchor Nicole Briscoe retweeted a post from someone who said she hoped ESPN no longer uses Steele to cover women's sporting events. Briscoe added, "Amen. (Even if it gets me in trouble.) Amen." Steele immediately brought the tweet to the attention of Williamson, but the post remained on Briscoe's Twitter account for more than three months.

"Though Defendants based their punitive actions against Steele on a supposed workplace policy barring political commentary, they repeatedly have ignored commentary from other employees — both before and after they penalized Steele for expressing her opinion — that was more political and more controversial than the comments made by Steele, and that in some cases was overtly disrespectful to Steele," the suit claims.

ESPN, at times, appears to have looked the other way when anchors violate its policy barring political discourse. During the network's live coverage of the NCAA women's basketball tournament in March 2022, anchor Elle Duncan led a two-minute moment of silence in opposition to Florida's "Don't Say Gay" bill, prefaced by the explanation that "We understand the gravity of this legislation and also how it's affecting so many families across this country, and because of that, our allyship is going to take a front seat, and with that, we're going to pause in solidarity." Fellow anchors Courtney Lyle and Carolyn Peck led separate moments of silence that same day, while Pam Ward and Stephanie White held a third moment of silence and commented on the "dangerous bill."

"ESPN's inconsistency in how it treated Steele as compared to her peers demonstrates that Steele was punished not only for exercising her constitutional right to free speech but because of the content of that speech," the complaint states.

In February 2022, Steele filed a formal HR complain and was immediately offered the co-hosting gig at The Masters Tournament, which her attorneys consider to be "a blatant admission of liability." Despite being returned to a prominent perch, Steele filed suit in April 2022.

Attorney Bryan Freedman, who represents Steele as well as Carlson and Lemon, is currently in private mediation with ESPN and Disney over the matter. (On March 15, a judge granted a request for a 90-day window for the parties to negotiate confidentially.) In an added twist, Freedman is rumored to be advising Bob Chapek, who was CEO of Disney when Steele faced disciplinary action. (Freedman would not confirm that he is representing Chapek.)

"This case is about one thing and one thing only, and that's retaliating against Sage Steele for exercising her right to free speech under Connecticut law," he says. "Disney's legal position concerning the actions that led to this lawsuit with Sage Steele is a significant legal inconsistency that could cause Disney self-inflicted harm in the Florida courts. Disney should be very careful here."

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