Dan Rather/CBS-TV treatment of Oliver Stone's "JFK" 12/22/91

As I was about to retire last night I declined the third invitation to see the movie, much to the surprise of the 38-year-old Mount St. Mary's College student who wanted to treat me to it. Sitting and thinking about this and reviewing the attention Stone and his movie got over the past ten days I wondered again about Dan Rather's uninhibited editorializing, abnormal and unprofessional as it was, and pondering that and the extreme brevity of what they used of me, without even the usual printed name under the picture, and then wondering why he did not use me to say some of what he said, which is normal and one of the reasons for interviewing me, the norm, a possible explanation suggested itself. Partial explanation, I should say, with emphasis on the "possible," because I have no reason to believe that Rather remembers it, after more than 15 years.

After the Ray evidentiary hearing in Memphis and after I'd filed my FOIA suit vs. DJ and FBI to get their King-assassination records CBS-TV decided to do a "special" on that assassination. Despite their very bad prior JFK assassination "specials" of earlier years I agree to help them. Esther Kartiganer and a friendly man, popular among CBS people and later a CBS News vice president and a reporter named as I recall Martin Phillips, a pleasant man with a British accent, separately spent much time here. I did help them as much as I could.

I remember that they had filed an inadequate, I think I can fairly say incompetent FOIA request and after I gave them what I had gotten that they had not requested of the results of the scientific testing, which was at a press conference that lasted an hour, all of which they filmed and none of which they ever used, they decided on what I regarded as a stunt. They filed a lawsuit in Tennessee to be able to test-fire the so-called Ray rifle, (without the remnant for comparison.) Believing that this was no more than a stunt, CBS-TV having covered that hearing and knowing that I had produced a respected ballistics expert who had testified that if he were permitted to test-fire that rifle, having examined the bullet remnant taken from King's body (I'd taken him to the clerk of the court's office where he had examined and photographed it), he would be able to attest with certainty whether or not it had been fired from that rifle, I opposed their stunt. I spoke to Jim Lesar, who handled my FOIA suit. We were still associated with Ray, Jim as his lawyer, I as his investigator, told Jim I saw a potential conflict of interest, he agreed and we then opposed CBS in the Tenn. courts, successfully. Jim and I had both agreed to be interviewed for that Dan Rather special. I then refused, in part over this incident and in part because it made me wonder what they really intended saying. At least Kartiganer and the later vice-president whose name I do not now recall, tried to talk me out of it and to agree to be filmed. I explained my reasons to them and they seemed astounded that anyone would refuse to be on coast-to-coast TV, particularly on a "special" to be well promoted and advertised. I think that I had also decided that they intended to do another "special" in support of

that particular mythology and that on this my instincts were correct. So, I think partly because Rather had gotten well-deserved but quite excessive flak from some JFK assassination critics over his grossly wrong interpretation of the Zapruder film, I wrote him to explain why after agreeing to be filmed I would not be part of his "special." I did not get any response from him. I think but now am not certain that a then friend then at CBS News, Roger Feinman, told me that my unusual letter caused a bit of a stir in New York.

In retrospect, without recalling any part of that special clearly save what I go into below, I now believe that the CBS intent at the outset had been to be anti-Ray, which also means to support the dishonest FBI investigation and its conclusions and the very dishonest state prosecution, which in turn meant to make it more difficult to ever get any support in bringing what could be brought to light of the truth of that assassination, and this is, in essence, what the aired "special" did do.

The assassination was on 4/4/68. On 4/17/68, as I now recall, the FBI obtained and made copies available of a picture of Ray taken when he graduated from a barkeeping school in Los Angeles.

There was one supposed eye-witness, an alcoholic named Charles Quitman Stephens. He had the flophouse rooms next to Ray's. I knew that Charlie had been so drunk at the time of the shooting he had no idea of what had happened, so drunk that his usual cabbie, who I had produced as a witness refused to take him to a liquor store, so drunk some time later, when a reporter I interviewed saw him sitting outside the attorney general's office still wondering why he was there. I also knew that it was a false affidavit from Stepehens that was vital in the successful but illegal extradition from Great Britain. I later learned that there were, and I have, three affidavits prepared for him to sign and that he did sign as the federal government phonied up the affidavit that was used (this was by the so-called Civil Rights Division, not by the FBI).

On 4/17/68 CBS-TV had taken a copy of this Ray picture, taken when he was using his "Galt" alias, to Stephens. It filmed him looking at the picture and recorded his voice saying the picture was not of the man he claimed to have seen.

This was quite some time before Ray blundered into Scotland Yard's hands at Heathrow airport. If CBS had aired this film at that time, as by normal journalistic standards it would have done with excitment and pride, it would not have been possible to extradict Ray and the government would have been forced to conduct additional investigations, whether of not fruitfully, and the crime would have been solved or remained unsolved. But instead of airing its great scoop, CBS NEWS suppressed it entirely until using it on this "special."

On seeing this "special" and this film of Stephens I was aghast. I have a stenographic transcript of it on file. While Stephens never made any real identification and while what he did sign was transparently false and impossible, it was the closest thing that existed to any identification and the only means the government even had of seeming to place Ray

at the scene of the crime at the time of the crime. (I am satisfied I have ample evidence that he was not and that the government, particularly the FBI, knew he was not.) And here was a major news agency suppressing proof of a fraudulent solution to a major crime, proof of the innocence of the accused, for so many years.

Had CBS aired its footage it would not have been possible to extradict Ray at all. Instead the two governments connived to claim that the crime was not political, political crimes not being extradictable under the treaty. Ray was intimidated into not appealing that decision.

Had CBS News let us have that footage or even let us know that it existed, I think it would have been impossible to deny Ray the trial he has never had. The purpose of the evidentiary hearing was to determine whether or not he would get a trial.

Although it is not my purpose in this recollection, I am saying that the King assassination remains unsolved and a knowingly false solution has been fixed and exists only because of CBS News' deliberate unprofessionalism and deliberate suppression of proof that the government phonied up a ~~fla~~ false "solution" to that most costly of all crimes in terms of the cost of damages from the three days of inchoate violence.

It simply is not possible that Rather and the other CBS News people deeply involved in that King-assassination "special" were not aware of the significance of their years of suppression of this vital evidence. There is no need for characterization of this. If nothing else, Rather knew this when the special was aired and CBS offered no interpretation of its Stephens footage. Many others, including those who spent so much time here, also had to know.

While I have no way of knowing whether Rather remembered my refusal to appear on his "special" and do know that such refusals are not common, this morning I wondered whether this could have figured in the use of so short a segment of their several hours of taping me for what he aired on the Stone movie and on Stone. Once again CBS News had suppressed what it had that it could and normally would have used instead of what can fairly be described as Rather's tirade against Stone and his movie.

I note also that I do not recall any mention of the Stephens denial that Ray was the man he swore to seing at the scene of the crime by any element of the media after it was aired by CBS.