

Hal

*Bob MacKenzie*

... On Television ...

## NBC Drops Bomb

NBC News' "The JFK Assassination: The case of Jim Garrison" was one of the most potent, most astonishing, most troubling uses of the medium since television began.

In essence the news special was a trial by television. NBC news undertook to explore the facts of the case against Clay L. Shaw before they came to court, certainly an unprecedented and disturbing utilization of television's power.



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Garrison became the defendant, as NBC uncovered shocking facts about the New Orleans District Attorney's conduct of the investigation. The network ran film interviews with a number of Garrison's witnesses as well as others he had attempted to use in his prosecution of Shaw. Their statements led to the following conclusions:

Garrison and his assistants have attempted to induce witnesses to lie.

They have attempted to bribe witnesses.

They have attempted to blackmail witnesses.

They have suppressed the results of a lie detector test indicating that one of their witnesses is lying.

They are relying on the testimony of a witness who has admitted to cellmates that he intends to lie on the witness stand in return for an early release from prison.

They have attempted to induce a criminal to plant incriminating evidence in Shaw's house.

They have suggested answers to questions asked of witnesses, and told them that these answers "would be helpful."

In short, unless Garrison has some surprises in his pocket, NBC has blown his case sky high and revealed the D.A. as a rather shady operator.

Garrison fought to prevent NBC from running the program, on the ground that the network was interfering with his investigation. He wrote a letter to the Federal Communications Commission, asking the agency to stop the broadcast. NBC says that it expects Garrison to ask for equal time, and is ready to grant

it.

That seems fair enough, but is it? The program revealed Garrison as an untidy, unattractive and evidently unscrupulous character. Nevertheless, he may have a legitimate complaint against NBC, and I want to say more about that later.

NBC News believes that Garrison's case is based chiefly on the witnesses Russo and Bundy, so it devoted a large part of the program to questioning the reliability of the two.

Two former cellmates of Bundy's said they were sure he was lying, that he had admitted he was testifying in order to get out of jail. Frank McGee asserted NBC had learned that a lie detector test given to Bundy had indicated that he was lying about having known Oswald and Shaw. The polygraph operator was told to say nothing.

An investigator named James Phelan said that Russo, on his first interview made no mention of Oswald or Shaw or a party at Ferrie's house. In a TV interview he said he had never heard of Oswald. But two weeks later, after several conferences with Garrison's men, Russo said that he could identify Oswald and Shaw. Russo's second interview was obtained under hypnosis; the hypnotist suggested to Russo that he was at Ferrie's house with Oswald, Shaw and Ferrie, and that they were discussing an assassination.

A Yale psychologist dismissed this hypnotic interview as unreliable, because the answers were suggested by the questioner. "Under hypnosis, a subject may not be able to differentiate between truth and fantasy."

NBC found two witnesses, including Oswald's landlady, who placed Oswald at home at the time Garrison says he was sharing an apartment with Ferrie. Lefty Peterson, who says he saw Oswald at Ferrie's house, described a taller and heavier man than Oswald. Oswald is supposed to have been wearing a beard; several acquaintances told NBC that Oswald had no beard at the time.

Shaw is supposed to have used the false name Clay Bertrand, but McGee said an NBC reporter has seen the real Bertrand, a homosexual who uses the name as an alias.

Most devastating was NBC's evidence of the pressure brought to bear on prospective witnesses. Convict Miguel Torres said he was told that Garrison could "cut him loose" or make him serve his full nine-year term. Garrison's men, said Torres, asked him to say that Shaw had made homosexual advances to him, and that Shaw was Bertrand. He refused.

Alvin Beauboeuf said he was promised a job and \$3,000 to testify against Shaw, and threatened with exposure of some compromising photos if he refused. Fred Leemans, owner of a Turkish bath, was promised \$2,500 for testimony which he admits he made up. A convicted burglar said he was asked to break into Shaw's house and plant evidence.

Altogether the program was a remarkably skillful piece of journalism, thorough and well-documented

and even-tempered. But your reporter has some heavy misgivings about it.

When a television network conducts its own examination of witnesses in advance of a trial, before the world's largest jury, something fundamental in our system of justice is being encroached upon. "Trial by newspaper" has been condemned by the Supreme Court and the Bar Association. What about trial by television?

There's no doubt that last night's examination was prompted by the highest motives, and the result may turn out to be good. But what about the precedent? What is to prevent television from using the same techniques in some other case, this time supporting the prosecution?

Garrison's case may be as full of holes as a wicker basket. But that's why we have defense attorneys, judges and juries. The television news industry should sit down and think very hard about its sudden urge to play fairy godmother to the American judicial system.