

Part 3

CBS: This instalment begins with a recapitulation and a short memory, aided by a total lack of opposition, Did Oswald take the rifle into the building? "Our answer was yes", Cronkite intoned. This was made possible by ignoring the testimony of the only man in the world who saw Oswald enter the building. Jack Dougherty swore Oswald carried nothing. Where was Oswald, Cronkite next asked. "...on the sixth floor", he answered, streamlining the CBS "conclusion" of but 48 hours earlier, which said only "probably" on that floor. This, in turn, was made easier when CBS ignored the evidence in its possession that came from my work and that they got from me. They have a picture of Billy Nolan Lovelady that disproved a fundamental conclusion of the Report, that it was he, not Lee Harvey Oswald on the first floor and who was in the second Altgens picture, taken about half-way through the assassination. The well-paid CBS staff could not find the FBI reports on this, even though WHITEWASH II has footnotes to the publicly-available source in the National Archives, with the number of the file, so I gave them photocopies of the reports. Then, at their request, I gave them photocopies of the suppressed FBI reports proving that a fellow employee had actually seen Oswald on the first floor. Following Commission footsteps, CBS did not interview this witness or use the evidence. Instead, it told the world that within two days, as the whitewash ripened, any question about whether Oswald was not on the sixth floor disappeared. "Was Oswald's rifle fired from the building? Yes". This simple, straightforward answer was easier to deliver because CBS did not face the reality, that there was no evidence connecting any bullet or fragment of bullet from it with the assassination.

It likewise was untroubled by a then-recent court decision, throwing out the conviction of a soldier for murder. In an exact parallel, authorities, when it was possible to determine whether the bullet fired from his gun could be traced to the murder by simple tests, had simply not made these tests. Neither the FBI nor the Commission did, either. CBS, unlike the courts, was content. "How many shots were fired", CBS asks, and introduces a note of doubt that is disqualifying to its conclusions, all of them: "Most likely, three"(page 1). Its own evidence, like that of the Commission, is that the shots known to have been fired cannot be explained if only three shots were fired. But CBS is satisfied to "solve" the murder of a President by glib "most likely's" that are neither "most" nor "likely" nor reasonable nor supported by the weight of the evidence, - in some cases, by any of it. Its self-appointed task, like that assigned the Commission, was facilitated by the absence of any opposition, no one to ask questions, no one to show the falseness and fallacy of its statements, and because it, like the Commission, had no law and no court to satisfy. Its own evidence is that what happened could not be accounted for by three shots. "How fast could Oswald's rifle be fired? Fast enough" (page 1) It is worth recalling how CBS established this: by having nothing to do with Oswald's rifle, the only one it mentions and at issue, or Oswald's skill, again the only one material. CBS did not test Oswald's rifle; the government did. The federal tests prove that the most skilled could not fire Oswald's rifle fast enough or accurately enough. CBS was equal to its self-appointed task. It tested other rifles and proved they could not be depended upon to fire fast enough



either because it was beyond the capacity of masters or because the rifle malfunctioned so often. At this point their stomachs rebelled and they failed to write "accuracy" into the script for Cronkite, which is just as good, because their experts also could not fire their - not Oswald's - rifle accurately enough either - when they could fire, that is! Instead, they ask "what was the time span" and decide "most likely (that new CBS element of "proof") the assassin had more time, not less" (page 1). Here again, the conclusion was more easily arrived at by the proper blending of falsehood, misrepresentation and fabrication. Using Zapruder's camera, it said, as a clock, CBS proceeded not to. Instead, it used five cameras other than Zapruder's, then substituted fiction for reality. Zapruder's camera had been accurately timed by the FBI and the manufacturer. CBS did not time it. Instead it said that because it found the speeds of other cameras - and that of all five varied - it knew the speed of Zapruder's!

The wonder is that while recapitulating their first show with all this science they did not at the same time "prove" that the cheese on the moon is not green but blue and, accommodatingly, concede the difference is slight because, after all, it is cheese. So pleased was CBS with its alchemizing the question into the proof that there was no conspiracy it adhered to the Commission's substitution of an inapplicable hypothesis for the reality: "We tested in our own investigation (shamelessly, they used the same word!) the critical single bullet theory and found one bullet might well have wounded both men" (page 1). It is worth repeating here the "proof" developed by that CBS "investigation": It willed

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Governor Connally's smashed fifth rib out of even a masonite existence and still proved that a single bullet, regardless of the condition in which it emerged, could not have inflicted all seven non-fatal injuries on both men!

There is no limit to the reiteration of that favored CBS lie, that Dr. Humes "re-examined" the picture he had never seen for it is only CBS that can limit itself and it so liked its own lie! It here (page 1) repeated it still again. How easy it all was, CBS style: "And we concluded that there was no second gunman".

This is what led to the pronouncement that this third part would "look further into the question of conspiracy". How? By ignoring any conspiracy in which Oswald was not the assassin! How impartial can you be? This begins with the CBS question - by now we know CBS questions are a special kind (as are CBS "answers"), "Could Oswald have made his way to the scene of Officer Tippit's murder?" (page 1) But note that CBS did not say "in time to commit it".

CBS: "To solve the Tippit killing, it is vital to reconstruct Lee Harvey Oswald's actions from the moment of the assassination to the moment of Tippit's death" (page 1).

Fact: To eliminate suspense and its possible dangerous consequences, I should here state that CBS decided the best way to "prove" this was not to try, just to say it did. "For the first time", the voice of Rather said, "we have been able to follow the path of Oswald's movements from his sniper's nest on the sixth floor ...went between the stacks of book cartons to the opposite corner (page 2)...tucked his rifle down between the stacks..."



Here the pleasures and strong recollections of childhood games returned to the CBS mind to simplify the task. Instead of having their Oswald twice surmount a five-foot barricade of stacked cartons and carefully deposit the rifle in a sitting position under a bridge of other boxes, without leaving finger prints, the reality it could not re-enact before the camera - and why bring up these fingerprints when there will come a time CBS will find others more to its liking - CBS had Rather slink down an open aisle and stick the rifle between two boxes. Neat? Of course! Easier, too!

How much easier, also, is the CBS description of "Oswald's" encounter in the second-floor lunchroom with Officer Marion L. Baker: "In front of a coke machine a policeman actually stopped Oswald". This is much cleaner than messing with closed doors that closed mechanically and precluded the possibility of the official account, or with the timing of the policeman and of Oswald, which proved that Oswald could not have been in that sixth-floor window (the hypothesis) and had this encounter with the policeman in the presence of a witness, his own boss (the reality). And the CBS solution to the timing that proves the opposite of what it says is effective: leave it out! Who can argue with times not given, even if its audience could argue back? Instead, CBS simply says Oswald walked out of the building in about 3 minutes.

Having said this, on the basis of no evidence whatsoever, CBS felt it unnecessary to give - even to invent - any other times. Why be fussy?

CBS: This simplification worked so well for CBS it stuck with the method. "He walked seven blocks down Elm Street, then took a

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bus on Murphy, headed for Oak Cliff" (page 2).

**Facts:** That bus Oswald took was headed right back into the monstrous traffic jam CBS and the Commission both say he had just created. This is a new technique in escape from crimes, a considerable advance over Kaffka.

**CBS:** Oswald then got off the bus, walked two blocks, "then took a cab several blocks past his rooming house on Beckley" (page 2).

**Facts:** That CBS simplification system of evidence evaluation was working so well they kept in that groove. Thus we do not from its script learn why a fleeing Presidential assassin should take a cab to several blocks past his rooming house". How many is several? If CBS went into that they'd introduce William Wayne Whaley, whose whammies the Commission survived but CBS wisely avoided. Thus they did not have to report that on this single flight in a single cab driven by a single driver, from the testimony of the only witness on it, that driver, Oswald went five blocks past his destination to get out, seven blocks past it, and also to the intersection of two streets that run parallel. Avoiding all of this was only part of the benefit of the effective CBS technique. It also avoided the entire question of why Oswald took a cab too far at all and of the character of the police lineups, not unfairly described as frameups, from Whaley's own testimony, in which he swore to the identification of Oswald as his passenger before he was taken to the lineup to make the identification and then swore before the Commission that he did this as a favor to his friend, the assistant district attorney. Thus, CBS got Oswald to his rooming house and at the same time kept its own show on the screen, neither of which is a slight accomplishment.



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Rather than overwork an effective technique, CBS abruptly shifted to the voice of a police radio announcer with the description of the suspected assassin: "an unknown white man, approximately 30, slender". The voice of Cronkite followed with this description: "white man, slender, weighing 165 pounds, standing about 5 feet 10 inches, in his early 30's" (page 2).

Fact: CBS gave us a choice: We can select either as the description that, a half hour later, Officer J. D. Tippit considered was that of the 24-year-old, skinny Oswald who weighed 140 pounds. It and the Commission demand belief that Oswald was a dead-ringer for the broadcast "description" that an appreciable percentage of the males in Dallas fit, uncountable thousands more so than Oswald (this is to concede that anyone fit this "description"), and thus Tippit stopped him at 10th and Patton. We cannot go quite this fast, much as CBS rushed the pace, for there are a few comments that cannot be ignored:

CBS: "...critics have made much of the speed with which it (the "description") was sent out - just 15 minutes after the shots were fired." (page 2).

Fact: CBS has a "critic" for every season. Rather than fast, the broadcast was slow. Howard Leslie Brennan, the man termed by CBS and the Commission as the "probable" source, was standing at the scene of the crime, right next to a radio-equipped motorcycle officer, who then and there used his radio for other purposes, and who then and there also got a "description" from Amos Lee Ruins. If Brennan actually saw a man in the window and gave a description and was standing right where there was an operating police radio, why did it take 15 precious minutes to use that open mike?

CBS: "A CBS newsman, following the Warren Commission blueprint, found that 45 minutes was ample time" for Oswald to get to the scene of the Tippit murder. Cronkite: "The answer is yes. He could have made his way there" (page 3).

Fact: This proves the merit of modern "science" and the greater skill of CBS - and the advantage of having to give no details - not a single, solitary one. Thus did CBS escape such problems as this one that almost stopped the Commission: Beginning with the impossible time of 1:03 as the time Oswald left his rooming house and ignoring the fact that he was last seen waiting for a bus going in the opposite direction, the Commission timed his walk to the scene of the murder: 17 minutes and 45 seconds. With the beginning at 1:03 the earliest he could have reached 10th and Patton was 1:20. The Tippit murder was on the police radio at 1:15, six minutes before the earliest Oswald could have got there.

Conclusion: The CBS whitewash is better, in mix and application. The Commission erred in leaving a record, even if not in its Report, that could be ferreted out of Whaley's appearance, as I did. CBS did not repeat this mistake!

CBS: Critics "say Tippit should not have been where he was..." (page 3)

Fact: WHITEWASH 55 quotes the police radio log, Exhibit 705, as revealing his assignment to exactly where he was. With police drained from all Dallas districts to man the motorcade route, reassignments were necessary. By ignoring this CBS was able to air an emotion-packed interview with the officer who assigned Tippit. This, however, introduced a number of other problems CBS solved with its typical directness. Example: Tippit did not answer a call from the dispatcher at 1:00 p.m., just the time a police



radio car pulled up in front of Oswald's rooming house, honked the horn, and drove off. Tippit's was the only assigned police car there. The CBS solution? Skip it. They did. Where on page 3 Dispatcher Murray Jackson said, "actually, I had two units: 87, which was Officer Nelson, and 78, which was Officer Tippit" (these were radio number, not car numbers), on the next page, with but one paragraph intervening, Jackson also said that when he heard of the "disturbance" and then that "there's been an officer shot", it had to be Tippit: "knowing that J.D. was the only one that should have been in Oak Cliff..." What happened to Nelson? Another use of the CBS technique, coming from its long experience with soap operas. The answer can always be left to the next instalment and then forgotten. Here the Commission was wiser: it did not call Jackson as a witness.

CBS: Introducing Domingo Benavides (pages 4-6) to identify Oswald as the Tippit murderer also introduced problems adequately solved by the same method. Benavides told the Commission after the murderer nonchalantly dropped two empty cartridges, he picked them up. Two more were turned in by two young women each named Davis.

Fact: Benavides told CBS he picked up three shells (pages 5-6): "I think I picked up two and put them in a waistcoat pocket and then as I was walking up, I picked the other one up by hand, I believe."

CBS: "...only one of the four lead bullets removed from Officer Tippit's body could be positively identified with that revolver by Illinois ballistics identification expert, Joseph Noel." (page 6).





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CBS: Johnny Galvin Brewer "watched while he (Oswald) slipped into the theater" (page 7)

Fact: This was impossible. Brewer could not see the door to the theater.

CBS: After the station break at this point the subject switched to New Orleans, Garrison and charges against the CIA (page 9).

Fact: These charges had been made by me alone of the critics, and CBS never asked me about them. I volunteered them in an informal, unrecorded interview. Because I had documentary proof, CBS had no interest. It also knew of my book, OSWALD IN NEW ORLEANS, and I offered the manuscript to them in advance of publication, with the right to make a copy of it, as long as my property rights were protected.

Comment: CBS did not want proof or evidence, I also offered them the more than 300 pages of official documents I had gathered on this aspect of the case alone.

CBS: Instead it needled Garrison, subtly tried to ridicule him, and gave partisan distortions (page 9)

Fact: It referred to Clay Shaw merely as "socially prominent". It was careful not to call him even a "bachelor" or to cite the stories in the US and European press, unrelated to the Garrison investigation, citing his CIA record.

CBS: CBS described David Ferrie merely as "an excentric former airline pilot" (page 9)

Fact: Ferrie had a very public criminal record, also public Mafia ties, was known to have threatened the President's life, and to CBS' knowledge, had been arrested by Garrison at the time of the assassination, who then released him under apparent FBI-SECRET SERVICE persuasion.

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CBS: "A writer for the Saturday Evening Post said he read transcripts of what went on at those sessions (meetings between Perry Raymond Russo and Assistant District Attorney Scialabra" (page 10).

Facts: There were no such transcripts. Writer Phelan said he had seen Scialabra's notes.

CBS: "Meanwhile, various news organizations have reported serious charges against Jim Garrison and his staff, including alleged bribery, intimidation and efforts to plant and/or manufacture evidence against Shaw. Last month Newsweek magazine said Garrison's office had tried to bribe Alvin Beauboeuf" (page 10).

Facts: These "various news organizations" boil down to two plus NBC and the inspiration of lawyers opposing Garrison. CBS had already referred to one, the Saturday Evening Post. It is a propaganda device to here repeat it as "various". The other was Newsweek, whose charges were based upon a carefully edited tape recording, since exposed, and were refuted prior to CBS' retailing of them. Some of these fictions had earlier been offered the New Orleans press, which was too honorable to use them without affidavits from those making them. When the men making the charges would not make them under oath, the reporters would not use them. Nor was I interested, for the same reason, when they were offered to me April 28, 1967, two months earlier. Such considerations did not bother NBC, which gave them and one of the men a wide play. Called before the grand jury, John "The Baptist" Careler, reputed to be the most skilled burglar in New Orleans, refused to say under oath he had spoken truthfully on NBC. Hailed before a judge, he persisted in refusing to swear he had been truthful and he was jailed for contempt. There were,



however, official charges of attempted bribery and intimidation. These CBS did not mention. They were against NBC, Walter Sheridan and Richard Townley, who have since, through their lawyers, raised the "Philadelphia" practise, from the popular phrase, to new heights in their efforts to avoid appearance before the grand jury after being charged. Every one of the numerous and unending dodges conceived by NBC's lawyers has failed in court, each unreported by NBC and CBS TV.

There follow several pages in this vein.

**CBS:** CBS concluded with, "One question is asked again and again: why doesn't Jim Garrison give his information, if it is valid information, why doesn't he give it to the Federal Government?" (page 14).

**Fact:** Garrison's answer, in the note struck by CBS, was if he could also "throw them (his files) in the river, it'd be about the same result". The obvious question CBS did not put is, "why should Garrison give his files to the Federal government, when it had no case in court and the Commission's work had ended more than two and a half years earlier?" Another question is, "If the federal government had any interest, why did it not ask for Garrison's information?" Asking these questions was not prejudicial against Garrison, so CBS did not ask them. Nor did it ask, with Garrison (and me long before him) having charged that the CIA was involved, that the FBI and Secret Service had engaged in a "coverup", and that all were suppressing information they had, why anyone should dream of handing them the case against them?

What CBS also did not report is what was public knowledge in New

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Orleans, had appeared in the newspapers, and had been announced by some of the witnesses who were avoiding Garrison, that the CIA was paying lawyer fees and that associations with the CIA would be the court defense if extradition was granted (there were no favorable actions on the three extradition requests Garrison sent to three states).

CBS: Mike Wallace said to Garrison, "You're asking a good many questions, but you haven't got the answers..." (page 14).

Fact: Had Garrison revealed any of his evidence on CBS, his case would have been thrown out of court, and properly so. CBS was offered similar evidence, by me, and didn't take it.

CBS: "A week ago NBC said it had discovered that Clay Bertrand is not Clay Shaw. NBC said the man who uses that alias is a New Orleans homosexual, whose real name - not disclosed in the broadcast - has been turned over to the Department of Justice". Here it dropped the matter (page 15).

Fact: Eugene Davis, the man Dean Andrews told NBC is Clay Bertrand, appeared in Garrison's office with his attorney, insisted on executing an affidavit swearing this was not so, then insisted on going before the grand jury with the same oath, and revealed to the newspapers that the FBI agents who came to see him, when he made the denial, said they knew this in advance.

CBS: Garrison's "chief aide, William Gurvich" resigned (page 15).

Fact: Garrison's "chief aide" is his ranking assistant district attorney. His chief investigator is Louis Ivon. Gurvich was not on his staff or payroll. He was a volunteer. He did resign, dissatisfied with the way the investigation was being conducted, and I saw no reason for the investigation...Mr. Shaw should



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never have been arrested..." (page 15) If what is highly improbable is true, that Gurvich knew 100% of the information developed, which, I have discovered, no one in that overworked office does, once the indictment was handed down and there was a case in court, this was an improper intrusion into it and made Gurvich, as he did but CBS did not acknowledge, automatically in contempt of court.

CBS: CBS had Gurvich say, "His purpose for bringing the CIA in...is ...they cannot afford to answer...they'll never reply" (page 16).

Fact: There is no question about the CIA's involvement and of Oswald's involvement with CIA groups. I have written a long book about it, supported by more than 300 pages of the suppressed federal documents.

CBS: Of Garrison: "...so far he has shown us nothing..." (page 17).

Fact: Could he have done so without getting his case thrown out of court and himself being in contempt of it? No, as CBS knew.

CBS: Before leaving its handling of Garrison, CBS conceded, "It may be that Garrison will finally show that there was a lunatic fringe in dark and devious conspiracy" (page 17)

Fact: Only the "lunatic fringe"? This is more than just a CBS face saver, for it has had some of its men, including Mike Wallace, spend much time with Garrison and close to his investigation (interestingly, it didn't use the man who was most familiar with Garrison's case). It is also an attempt to whitewash in advance, to remove from the public mind, any thought of federal involvement in the assassination and its dubious "investigation", and of the covering up by the federal police. This is not the traditional role and function of the U.S. press.

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Before switching the subject again, CBS reiterated its own conclusions supporting those of the government, that Oswald was the lone assassin (page 17) and then asked Mark Lane for his "version of what happened that day" (page 17). Lane told what he thought. CBS did the same thing with Bill Turner, whose connection with Ramparts it did not give and who is hardly one of those who has made the most intensive study of the assassination and its investigation.

CBS: CBS had a purpose - ridicule: "It is difficult to take such versions seriously..." (page 18)

Fact: CBS is not easily troubled and is unworried about its audience catching it up. What is so dubious about "such versions"? Lane and Turner agreed with the evidence CBS itself cited and I first published, that the President's head went backward in response to the "fatal" shot because it, that shot, came from the front.

Comment: The men who put this show together are nothing if not skilled propagandists. They kept reiterating, like the commercials that pay their ways, the things they want the public to believe. Having just given this summary (page 17), they, on the next page, did it again, calling that "a natural moment to pause. There follow two pages of a partisan misrepresentation of CBS' own evidence ("It was an easy shot", etc.) and unashamed invocations of the late President's military career and bravery, as though they related.