

Garrison Files FCC Complaint Accusing NBC

Says Probe News Mishandled by Network

District Attorney Jim Garrison has filed a six-page complaint with the Federal Communications Commission in Washington against the National Broadcasting Co., claiming that NBC has wrongfully handled matters concerning Garrison's presidential murder probe.

In a letter to Rosel H. Hyde, chairman of the FCC, Garrison charged that NBC "has been so aggressive in attacking the State of Louisiana's case (against defendant Clay L. Shaw) prior to trial as to have gone far beyond the pretense of merely gathering and disseminating news."

The text of Garrison's letter to the FCC follows:

"I wish to make a formal complaint against the National Broadcasting Company for its activities interfering with the prosecution of an open case now pending and soon to be tried in the Criminal District Court of Orleans Parish in the state of Louisiana. The case with which this agency is interfering is entitled, State of Louisiana versus Clay Shaw, the defendant therein being charged with participation in the conspiracy to assassinate John F. Kennedy.

"The actions of the National Broadcasting Company, through its employees and agents, have been so aggressive in attacking the state of Louisiana's case prior to trial as to have gone far beyond the pretense of merely gathering and disseminating news. To the contrary, the news function of this agency has been used as a guise and a cover for conduct plainly intended to affect the course and outcome of the trial. The actions of this network have been so predictably injurious to the cause of the prosecution as to leave no alternative to the conclusion that the sabotage and destruction of the case of the state of Louisiana against the defendant has been the calculated objective of the agents and employees of this network.

"The purpose of this letter

is to present to the Commission a summary of these activities so as to call to your attention the curious intervention on the part of this network with regard to a pending law case in which it is not a proper party. This complaint will be followed by statements and affidavits supporting the herein charges of wrongful use by this network of its interstate communication privileges.

"This operation of the National Broadcasting Company has been directed from Washington, D.C., by Mr. Walter Sheridan, a former investigator for the United States government. Following are the acts of which complaint is hereby made:

"1. This television network for months has harbored, sheltered and encouraged a fugitive from justice from the state of Louisiana. It has provided aid and comfort and economic help to Gordon Novel in the states of Virginia, Ohio and New York, even while the state of Louisiana has sought his return on a criminal charge lodged against him. This fugitive also has long been sought by the state of Louisiana as a witness before the Orleans Parish Grand Jury with regard to matters connected with the assassination of President Kennedy. On learning that he was to be a witness before the Grand Jury, Mr. Novel promptly sold his business and fled the state of Louisiana. Mr. Novel is, as his Louisiana attorney has admitted, a former employee of the Central Intelligence Agency.

"2. The National Broadcasting Company has attempted publicly to discredit, in advance of the trial, all known major witnesses of the prosecution. In the case of witness Perry Russo it has sought to discredit not only him but the objectifying tests for truth which he vol-

untarily took, even though the agents of the National Broadcasting Company knew well that the defendant in the case has refused to take any such tests. In the case of witness Vernon Bundy, the National Broadcasting Company has solicited derogatory and false statements, for presentation

prior to trial, from convicts who obviously have no knowledge of the facts but who have been cooperative with Mr. Walter Sheridan because of their common interests.

"3. Agents and employees of the National Broadcasting Company systematically have harassed witnesses for the prosecution. Every known witness for the prosecution has been approached through one device or another. One prosecution witness has been told that he should reconsider his intended testimony for the prosecution and has been offered a trip to New York to see "a \$200,000-a-year lawyer". This witness has been contacted so repeatedly that it is obvious that an effort has been made to destroy his value as a prosecution witness by harassment. Another potential prosecution witness has been informed that if she did not want to be pictured in a bad light she had better give filmed interviews to the National Broadcasting Company's agent. The presentation has been made to each of these witnesses contacted by the National Broadcasting Company that the prosecution's case, in effect is going to be destroyed by the National Broadcasting Company and that they should get on the right side of the case before it is too late.

"4. The National Broadcasting Company arranged for a potential prosecution witness to be flown to Washington, D.C. in connection with its objective

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of the development of this man as a witness for the defense rather than the prosecution. One National Broadcasting Company agent went to Washington with this witness where they met other National Broadcasting Company and former United States government intelligence personnel. Subsequently, public statements attacking the prosecution were encouraged and obtained by National Broadcasting Company personnel and were filmed and distributed throughout the country.

"In connection with this witness, a demonstrably false and altered tape purporting to portray a bribe offered by the prosecution, was publicized nationally by the National Broadcasting Company. A subsequent investigation by the New Orleans Police Department has revealed that no bribery attempt was made by the prosecution but that the said tape had been altered to make this appear to be the case. It is not known by this office whether or not the fraudulent alternation of the tape was made by National Broadcasting Company personnel but we have learned that at an early stage in these activities a copy of this tape was obtained by and was in the hands of Mr. Walter Sheridan, who has been particularly active in recent years in adventures involving the use of tapes and bugging equipment.

"5. Agents and employees of the National Broadcasting Company knowingly have solicited from prisoners convicted by the New Orleans district attorney's office demonstrably false charges against the prosecution with the plain objective of creating a wide-spread belief, prior to trial, that the prosecution has no case against the defendant and is therefore resorting to illegal activities. From Miguel Torres, an armed robber and narcotics addict convicted by his office, the National Broadcasting Company has solicited the statement that the prosecution "offered him heroin" to give false testimony. From "John the Baptist" Candler, a professional burglar convicted by his office, the National Broadcasting Company has solicited the statement that the prosecution sought to have him burglarize the defendant's home so as to place false evi-

dence therein.

These incredible fictions, which have attempted to picture the New Orleans district attorney's office as dispensing heroin and initiating burglaries, although obviously false, were solicited by Mr. Walter Sheridan and his agents, and have been passed on by them to other news media as "news stories". It is apparent that the National Broadcasting Company intends

to employ these fraudulent statements on a nation-wide television as a part of its effort to discredit the prosecution prior to trial. Such witnesses obviously could never be presented at trial by the defense because their testimony would be exposed by cross-examination as false, however, by acting as the advocate of the defendant prior to the trial, the National Broadcasting Company can use such witnesses to discredit the prosecution without providing the prosecution any opportunity to cross-examine them.

"6. The National Broadcasting

Company, under the active supervision of Mr. Walter Sheridan, has sought to obtain tape recordings of conversations among members of the district attorney's staff concerning the pending case.

"7. The National Broadcasting Company, under the active supervision of Mr. Sheridan, has attempted to buy copies of evidence which might be used by the prosecution in the trial of the case. In one instance, according to information obtained by this office, a large sum of money was paid by the National Broadcasting Company to

a photograph obtained by the prosecution.

"8. During the course of the aforementioned unethical and fraudulent activities by the National Broadcasting Company, its agents and employees have worked in concert with representatives of the defendant. The relationship of the National Broadcasting Company and the defense has been sufficiently close that in recent weeks a member of the defendant's legal staff has been known to state that when the National Broadcasting Company gets finished with its presentation over national television, the prosecution's case will be thoroughly destroyed.

"Ordinarily, the effort to discredit the prosecution's case is

a function of the defense. This is the first time, to my knowledge, that a national television network has actively sought to torpedo a pending law case prior to trial.

"It should be noted that in the course of its efforts to obstruct justice, the National Broadcasting Company has been actively aided by its New Orleans associate, WDSU-TV. The participation of WDSU-TV included harassment of potential prosecution witnesses by at least one member of its staff, biased presentation of the issues involved in presenting its "news" programs and "editorials", plainly intended to discredit the prosecution in this case, and the dispersal of funds to attorneys and other individuals

participating in the effort to damage the state's case prior to trial. It should be added that the last-described endeavor has been accomplished not by members of the station itself, but by an attorney closely connected with the station who has previously been known to disperse funds in the New Orleans area in behalf of the Central Intelligence Agency.

"The deleterious effect of such undue pressures on the prosecution's witnesses predictably has been quite notable. It does not take much imagination to envision the effect on potential jurors who are being exposed through their television sets to this unauthorized pre-trial advocacy.

"The special bias and unique

aggressiveness of the National Broadcasting Company's invasion of this pending law case is particularly marked in contrast to the objective and fair approach of the other two television networks. Whatever the motivation might be, it is clear that the National Broadcasting Company has as its objective the total destruction of the pending investigation into the assassination of President John F. Kennedy and of the pending case related to that assassination. This company, which exists primarily for profit-making purposes, should not be allowed to use the public air waves to accomplish such mean ends."

Very truly yours,
JIM GARRISON
District Attorney.