

Why did CNN retract its nerve gas report? A closer look

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At a gathering of the Television Critics Association on July 10 Time Warner Vice Chairman and CNN founder Ted Turner delivered a public apology for the June 7 CNN broadcast 'Valley of Death,' which alleged US Special Forces used deadly nerve gas in a secret incursion into Laos during the Vietnam War.

Turner was abject--'I'll take my shirt off and beat myself bloody on the back'--in asking forgiveness from veterans or anyone else offended by the story, which was aired as a joint presentation of CNN and *Time* magazine. CNN and *Time* retracted the story earlier this month after a public campaign by Special Forces veterans' groups and intense behind-the-scenes pressure from high-ranking military and intelligence figures.

Turner's statements were part of an ongoing media attack on the CNN program. The July 15 *Wall Street Journal*, for example, carried a column by former Secretary of the Navy James Webb entitled 'The Media's War on Vietnam Vets.' Taking Turner's apology as his starting point, Webb issued a blanket denunciation of journalists for publishing 'lies, exaggerations and misrepresentations' about the Vietnam War. Webb's column is representative of an expanding genre of corrupt reportage aimed at sanitizing and glorifying the US assault on Vietnam.

The networks, newspapers and news weeklies have put out derogatory accounts of the CNN story, giving the false impression to the public that 'Valley of Death' was a concatenation of unsubstantiated charges and fabrications, and that in killing the story CNN acted responsibly to disavow a journalistic hoax.

The most significant aspect of Turner's histrionics last Friday was his justification for disavowing the nerve gas story. He did not deny its basic allegations--that the September 1970 raid used sarin gas in an attempt to eliminate American defectors. Nor did he assert that the broadcast failed to provide credible evidence to support the charges. Whether he believed the report to be correct or not, he said, 'we didn't have evidence beyond a reasonable doubt.'

Almost by sleight of hand, a new and fundamentally inappropriate criterion, proof beyond a reasonable doubt, is being introduced as the standard for journalism, or, to be more precise, journalism that seeks to expose secret or illegal operations by military or intelligence agencies. This is not entirely new. Last year on similar grounds the *San Jose Mercury News* retracted a series of well-documented articles by Gary Webb exposing the connivance of the CIA in drug smuggling operations by the Nicaraguan contras in the early 1980s.

With the CNN case, the entire media establishment is falling into line. A clear warning is being given to reporters and publishers with regard to exposures of the military: if you cannot make a case that meets the legal standards applicable to a criminal court, you should remain silent. This chilling injunction has been backed up by the firing of the two veteran journalists most directly involved in the production of the CNN program, April Oliver and Jack Smith, and the public reprimand of the internationally renowned reporter, Peter Arnett, who narrated the segment.

From a legal and Constitutional standpoint, the imposition of such a

standard on the press is entirely without foundation. From a practical standpoint, it makes any serious reporting of government secrets or misdeeds impossible. Had such a criterion been in effect at the time, no serious reports of the My Lai massacre or the Watergate affair would have seen the light of day.

It is inevitable that attempts to ferret out the truth in cases involving the actions of powerful military, government or corporate interests will bring forth contradictory and somewhat ambiguous evidence. That is one of the reasons journalists and publishers should not be held to as rigorous a standard as that established by the law to protect the rights of defendants in criminal prosecutions.

The job of journalists is not to convict, but rather to bring forward, with scrupulous fidelity to the facts, convincing evidence that substantiates a particular analysis of events. Where such reporting makes a serious case that individuals or government agencies have violated the law, lied to the public or carried out actions that threaten democratic rights, their revelations should become the starting point for further investigation, including possible criminal indictment.

The very nature of the subject matter of 'Valley of Death,' a Special Forces raid into neutral Laos, called Operation Tailwind, that has remained a tightly held secret for 28 years, guaranteed that the evidence extracted by the reporters would be somewhat fragmentary. The US denies ever having used nerve gas in combat and, needless to say, denies having targeted American defectors in Vietnam for extermination. No one, therefore, could legitimately be surprised that for every witness affirming the use of nerve gas or the killing of American defectors, there would be at least as many ex-Special Forces men, military officers or intelligence figures staunchly denying the allegations.

Taken as a whole, however, the mass of evidence, eyewitness accounts and verification from high-ranking military and intelligence sources, both named and unnamed, presented in the CNN broadcast was impressive. Seven of the sixteen Special Forces soldiers who carried out the assault gave on-camera statements supporting to varying degrees the program's contention that nerve gas was used and American defectors were targeted. Several experts on nerve gas consulted by the reporters said the symptoms of vomiting and convulsions described by the soldiers, as well as their description of the properties of the gas used on the raid, pointed to sarin.

The reporters further based themselves on interviews with three highly-placed confidential sources: an expert on chemical weaponry, a senior intelligence source, and a former high-ranking officer well versed in the operations of the Special Forces group that carried out the incursion. Finally, April Oliver spent some eight hours interviewing retired Admiral Thomas Moorer, who was chairman of the Joint Chiefs of Staff in 1970. Moorer is shown on camera confirming the use of nerve gas by Special Forces during the Vietnam War.

The program also included statements contradicting the main allegations: the statement of the commander of the raid, who denied any use of nerve gas or any targeting of American defectors, and the statement

of a pilot, who said he dropped tear gas, not sarin.

Oliver and Smith gave the entire script of 'Valley of Death' to Moorer and two of the confidential sources prior to the June 7 broadcast, and all three gave their approval. Moreover, the journalists submitted a 156-page briefing book to their superiors at CNN containing the notes of their interviews and other evidence they compiled. The fact that top executives at CNN News approved the program, despite protests from their own military adviser and others within the organization, further indicates that the report was a solid piece of journalism.

Once the program was aired, it came under intense behind-the-scenes attack. Oliver and Smith assert that Henry Kissinger, who was Nixon's national security adviser at the time of Tailwind, Richard Helms, then the CIA director, and Colin Powell, chairman of the Joint Chiefs during the Gulf war, all contacted CNN and demanded a retraction. CNN quickly began backing away from the program, appointing attorney Floyd Abrams to carry out a supposedly independent review.

Abrams issued his report on July 2, concluding that the allegations that Operation Tailwind involved the use of nerve gas and targeted American defectors were 'insupportable.' This became the vehicle for CNN and *Time*, which had published an article based on the CNN broadcast, to issue public retractions.

That Abrams's report was not the purely neutral investigation it purported to be, but rather the means for repudiating the broadcast, is indicated by three facts. First, during the period of Abrams's investigation, Oliver, Smith and Arnett were ordered not to speak to the press or in any way defend their story. Second, the Abrams report was co-authored by CNN's general counsel. Third, the CNN journalists were denied the chance, as promised, to review Abrams's report before it was made public.

The review is a carefully constructed lawyer's argument for killing the Tailwind story. It reads very much like a cross-examination in a trial, and implicitly adopts as its standard the criterion of proof 'beyond a reasonable doubt.' Far from accusing the reporters of inventing facts or falsifying evidence, Abrams acknowledges that they conscientiously and honestly amassed a considerable basis of evidence to support their conclusions. He further acknowledges that the confidential sources interviewed by the reporters are reputable.

(Given this characterization by Abrams, an obvious question that arises is why were Oliver and Smith fired? The answer is: they were the only ones who refused to knuckle under, and instead took a principled stand in defense of their story).

Abrams then proceeds, on the basis of the reporters' briefing book, notes of interviews, the footage broadcast in the TV report as well as out-takes, to point out ambiguities in some of the statements of two of the confidential sources, and certain inconsistencies in the statements of Moorer. By such means he seeks to question the reliability of their evidence. He does not challenge, however, the evidence provided by one of the confidential sources, whom he describes as 'a senior intelligence source with access to records of the Tailwind operation.' This is one of the sources who read and approved the script in advance of the broadcast.

In similar fashion, Abrams seeks to question the reliability of the Special Forces soldiers who provided statements supporting the conclusions of the CNN story, as well as the statements of the nerve gas experts. In addition, he criticizes the program for not making more prominent the views of Tailwind participants and others who contradict the reports of nerve gas use and American defectors. None of this, however, discredits the 'Valley of Death' broadcast as a piece of investigative journalism. It may very well demonstrate that the program could not, in and of itself, secure a conviction in a criminal trial. This, however, is besides the point.

The bulk of Abrams's review quotes from various interviews given by Moorer, for the most part off-camera. However, in trying to show that Moorer was evasive about confirming the use of nerve gas and the targeting of American defectors in Operation Tailwind, Abrams quotes the

former chairman of the Joint Chiefs making devastating statements about US actions in the Vietnam War and the direct culpability of the Nixon White House, his security adviser Kissinger, and the CIA.

The citations in Abrams's report include Moorer asserting that sarin nerve gas was a weapon in the Vietnam arsenal, and it would not have been terribly unusual for it to be used on a mission such as Tailwind. Asked, 'Would it surprise you?' he replies, 'I would expect them to use whatever was necessary to achieve their mission in an emergency.' At another point Abrams cites Moorer saying, 'I think that it's highly possible that it was used again, but I'm not aware of exactly where it was used.'

On the question of targeting American defectors in Laos, Abrams quotes Moorer as follows: "I do not remember the specifics of this action' but was 'aware of the fact that there was this objective in Laos."

Abrams further quotes Moorer insisting that those most familiar with the details of Operation Tailwind and similar 'black' operations were the CIA and the Nixon White House. At one point, on the issue of nerve gas use in Tailwind, the admiral says, 'You should ask Mr. Helms this question....' At another point he is asked who knew about Tailwind, and replies, 'Nixon undoubtedly knew.' He continues: 'Kissinger would be in to see him about five times a day. I would be most surprised if Nixon didn't know.'

Following the airing of 'Valley of Death,' Moorer, under enormous pressure from the Pentagon and other quarters, distanced himself from the story. But he did not deny that nerve gas was used. While declaring he had no first-hand knowledge, he said he had learned of the Laos raid after it took place, 'including verbal statements indicating the use of sarin on the Tailwind mission.'

Thus the very document CNN used to justify the retraction of its Tailwind story, if read carefully and critically, actually underscores the powerful array of evidence marshaled by the reporters and the extremely serious nature of their revelations. With the full support of the media establishment, however, this has been turned into a vendetta against the journalists who quite courageously unearthed the story, and an object lesson to any others who might be tempted to follow their example. Meanwhile those who the piece suggests may be guilty of criminal actions--the CIA, the military, and individuals such as Kissinger and Helms--are off the hook.

The seriousness of the charges contained in the 'Valley of Death' broadcast are compounded by the charges of pressure from the military, the CIA and figures such as Kissinger, Helms and Powell to kill the story. All the greater is the need for a full-scale inquiry.

The extraordinary disparity between the treatment of the Tailwind report and the outpouring of unsubstantiated allegations and gossip in the Washington sex story exposes the hypocrisy of any claim that the CNN expose was buried because of journalistic scruples. It also indicates that the military and the CIA exert far more power in shaping what passes for the news than even the White House.

The apparent ease with which the military and CIA have killed an important exposure of their illicit operations demonstrates the lack of any genuine independence on the part of the mass media, all of which are owned and controlled by huge corporate interests. It must be taken as a warning of the growth of tendencies deeply hostile to free speech and democratic rights in general.

See Also:
Fired CNN journalists speak out: Kissinger, Powell demanded retraction of nerve gas report
[13 July 1998]
Fired journalists say CNN caved in to pressure
[10 July 1998]
CNN withdraws report on US use of nerve gas in Vietnam War
[3 July 1998]



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