Fired journalists defend report on nerve gas use in Vietnam War

Martin McLaughlin
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The two television producers fired for preparing the June 7 CNN broadcast 'Valley of Death,' which exposed the use of nerve gas by US special forces in Laos, defended the accuracy and legitimacy of their reporting at a crowded press conference at the Freedom Forum in New York City Wednesday.

April Oliver and Jack Smith released a 78-page summary of the evidence that they accumulated in an eight-month investigation of Operation Tailwind, a 1970 raid by Army commandos into Laos, supporting their findings that nerve gas was used on North Vietnamese troops in the course of the operation and that the purpose of the raid was to attack defectors from the American military in Vietnam.

The document rebuts the critique of 'Valley of Death' made by CNN officials when the network retracted the program. It answers in detail every charge made in the report drawn up for CNN management by attorney Floyd Abrams. (See accompanying article). The report was co-authored by a top CNN executive, Senior Vice President and General Counsel David Kohler, for the purpose of clearing CNN management of responsibility for the broadcast. It was not a neutral or 'independent' report.

Oliver and Smith make clear that CNN top management was fully informed of the content of 'Valley of Death' and the supporting evidence, approved the broadcast, then reversed its position and fired the producers because of pressure from the military and intelligence communities. 'These actions have profound and far reaching implications for this kind of difficult and serious journalism,' they write.

Although Oliver and Smith were fired as a consequence of the Abrams-Kohler report, they were not interviewed about how they prepared their report nor given a chance to defend their journalistic practice. 'We were tried, convicted and sentenced in a closed proceeding that failed any test of fairness or due process,' the two declare. 'Mr. Abrams and Mr. Kohler broke their word throughout the investigation. We were star chambered.'

The two producers note that both Abrams and Kohler are lawyers, and that CNN had rejected their request that a journalism dean replace Kohler and serve as co-author. Their reporting was judged not as journalism, but as though it were a prosecutor's brief aimed at proving a criminal case.

'Much of CNN's post-retraction coverage has concentrated on the assertion that the broadcast did not have 'proof," they write. 'Since when is this the journalistic standard? Even in a criminal court of law the standard is not absolute proof, but proof beyond a reasonable doubt. A review of this Rebuttal will show that we had an enormous amount of confirming, corroborating and supporting information for the broadcast, sufficient to justify its going to air.'

Their rebuttal notes that they prepared a 156-page summary of the evidence for top CNN executives, including 35 pages detailing the testimony of those participants who denied that nerve gas had been used in Operation Tailwind, with an evaluation of the credibility of the witnesses for and against.

Despite a large turnout of reporters, many of them familiar with the details of the report on Operation Tailwind, there was little coverage of the press conference either on television or in the newspapers. Unable to refute the detailed defense of their reporting made by April Oliver and Jack Smith, the media has simply decided to ignore it.

This is in stark contrast to the saturation publicity given to a Pentagon press conference the previous day, when Secretary of Defense William Cohen released the

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official military report on Operation Tailwind, which denied that there had been any use of nerve gas or any targeting of defectors.

Cohen revealed the political agenda of the Clinton administration's attack on 'Valley of Death.' He sought to link Oliver and Smith to Saddam Hussein, saying, 'In fact, Iraq immediately incorporated CNN's charges into its anti-US propaganda campaign in an effort to attempt to deflect attention from its own outlawed chemical and biological weapons programs.'

CNN directly collaborated in the internal military investigation, with network officials calling sources to ask them to call the Pentagon, an arrangement that, according to Oliver, amounts to a violation of journalistic ethics, exposing confidential sources to potential reprisal. Before Oliver was fired CNN officials instructed her to meet with Pentagon spokesman Kenneth H. Bacon to discuss how the network could aid the internal review.

The Pentagon inquiry also had the assistance of right-wing organizations of former Vietnam commandos, including the Special Forces Association, which spearheaded the campaign against the 'Valley of Death' broadcast. SFA located pilots and soldiers involved in the mission--at least those supporting its denial that nerve gas was used--and supplied their names to the Pentagon.

Despite the intensive efforts to whitewash the events of 1970, the Pentagon document provides evidence to support the reporting by Oliver and Smith. The Pentagon failed to locate any of the original documents that would have logged what kinds of weapons were used by warplanes supporting Operation Tailwind. But a computer database from that period recorded that US aircraft dropped CBU-15--the code name for sarin nerve gas--some 2,000 times in 1970. Pentagon officials dismissed this as a 'coding problem,' according to one report.

Moreover, one of the six participants in Tailwind interviewed by the Army's Center for Military History, Sergeant Michael Hagen, supported the account of the field commander, Lieutenant Van Buskirk, that he had pursued a blond-haired Caucasian man, trapped him in a 'spider hole,' and then killed him with hand grenades.

See Also:

The evidence of US nerve gas use in Operation Tailwind
[24 July 1998]

Why did CNN retract its nerve gas report? A closer look
[16 July 1998]

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