

# Dan Rather sues CBS for making him a “scapegoat” to appease Republican right

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Former CBS news anchor Dan Rather has launched a \$70 million lawsuit against the television network and its executives charging that he was made the “scapegoat” for a September 2004 news segment on how George W. Bush managed to get into the Texas Air National Guard during the Vietnam War, thereby escaping any threat of being drafted.

The suit accuses CBS, its parent company Viacom, and three corporate executives—Leslie Moonves, the CBS CEO, Sumner Redstone, Viacom’s executive chairman, and Andrew Heyward, the former president of CBS News—of damaging Rather’s reputation and violating his contract by denying him promised airtime after he stepped down as evening news anchor, a position that he had held for nearly a quarter of a century.

“Dan Rather’s national reputation for excellent, nonpartisan independent journalism was intentionally damaged by CBS, Viacom and their senior executives, who sacrificed independent journalism for corporate financial interests,” the TV newsman’s attorney, Martin Gold, said in a statement. “A healthy democracy cannot flourish without an independent press. Dan Rather brings this lawsuit to further that principle and to restore his reputation, and if he is successful he intends to donate substantial sums to further these ideals.”

The Texas Air National Guard piece, broadcast on the weekday edition of “60 Minutes” barely two months before the 2004 presidential election, provoked a furor, particularly from right-wing supporters of the Republican administration, who challenged the authenticity of documents purported to be written by Bush’s commanding officer which corroborated the claim that Bush used the connections of his politically prominent family to get a slot in the guard unit and then failed to fulfill his obligations for military service.

While both charges have been amply proven, the right turned the documents themselves into the central issue,

charging that CBS had used forgeries to smear the president.

The formal complaint filed in New York State Supreme Court in Manhattan Wednesday affirms that the challenge to the documents represented a “broad and, in many instances, well-organized attack... led by conservative political elements supportive of the Bush administration.” It adds, “The purpose of this attack was to deter CBS News from reporting news in a manner unfavorable to the Bush administration and, in the process, to diminish the credibility of Mr. Rather... and others at CBS news whom they considered to be opponents of the Bush administration.”

While initially CBS indicated that it would defend the story as well as Rather and the others who had produced it, within barely two weeks it reversed its position, ordering Rather to deliver a personal on-air apology for “mishandling” the broadcast. According to the lawsuit, Rather opposed this decision on the grounds that no such apology was warranted. It adds that the action led to the CBS anchor being made the scapegoat for the story, paving the way to his removal.

In addition to Rather’s forced resignation, his producer, Mary Mapes—the journalist who first broke the story on the photographs of torture at Abu Ghraib prison—and three other CBS news personnel were fired over the controversy.

Viacom executive Sumner Redstone, according to the court papers, was “enraged that the broadcast had hurt CBS in the eyes of the Bush administration” and therefore sought to “curry favor” with the White House by sidelining Rather and victimizing others involved in producing the story.

To that end, the network appointed an “Independent Review Panel,” which Rather and his attorney charge conducted a “biased investigation” into the controversy with the aim of suppressing any information corroborating

the story on Bush's sinecure in the Texas national guard, thereby placating the administration. The lawsuit further asserts that the CBS probe in no way determined that the documents were indeed forgeries or that any aspect of the broadcast was false.

Appointed to this panel was Richard Thornburgh, the former Republican governor of Pennsylvania who served as attorney general in Bush senior's administration. Thornburgh also made an unsuccessful run for the US Senate from Pennsylvania in a campaign managed by Karl Rove.

At the same time, according to the court papers, the network executives ordered the news staff to stop any further investigation into the Bush-Texas Air National Guard story.

However, as part of its internal probe, the lawsuit states, CBS hired a former FBI agent as a private investigator, providing him with all of the material uncovered in the preparation of the "60 Minutes" broadcast.

The investigator, Erik Rigler, produced a report affirming that the controversial documents used in the broadcast were likely authentic and that the underlying story that they appeared to corroborate was certainly accurate, the lawsuit states. It adds, however, that the investigative panel was less interested in his findings on the story than on whether he had "uncovered derogatory information concerning Mr. Rather or Ms. Mapes."

The lawsuit also cites a *Time* magazine interview given by Viacom chairman Redstone, in which he expressed the opinion that the reelection of Bush in 2004 would benefit his corporation.

Rather's ouster from his position as anchor of the "CBS Evening News" was decided by Moonves the day after Bush's reelection, according to the suit. He also ordered that Rather no longer be allowed to broadcast on CBS radio. The CBS executive in charge of the radio division told Rather that the decision had been taken in response to "pressure from the 'right wing.'"

After his removal from the anchor position, according to the court papers, Rather was deliberately isolated, denied the status of "full-time correspondent" with "first billing" on "60 Minutes" that he had been promised, and given few stories or support. Last year, the network refused to renew Rather's contract.

The lawsuit makes it clear that the network's political response to the controversy over the Texas National Guard story was hardly an aberration. It charges that CBS "attempted to bury" the Abu Ghraib revelations because of concern that they would have a "negative impact" on

the network's relations with the Bush administration.

It describes how CBS News president Andrew Heyward and other network executives intervened directly in the "editing and vetting" of the story about torture of Iraqis in the US-run prison, delaying its airing for weeks by demanding ever increasing levels of substantiation. Even after obtaining nearly a dozen photographs documenting the appalling abuse taking place at Abu Ghraib, network executives bowed to pressure from the administration and continued to stonewall the broadcast for another three weeks, according to the suit.

As an example of the pressure campaign mounted by the administration, the court papers cite a personal phone call from Gen. Richard Myers, then chairman of the Joint Chiefs of Staff, urging Rather not to report on the matter.

While network executives finally agreed to run the story at the end of April 2004—only because it appeared that other news agencies were going to report it first—they "imposed the unusual restrictions that the story would be aired only once, that it would not be preceded by on-air promotion, and that it would not be referenced on the 'CBS Evening News,' the lawsuit states.

Whether Rather, who was receiving an annual base salary of \$6 million as a CBS anchor, will prevail in the suit is far from clear. Whatever its outcome, however, the legal action has the virtue of at least partially lifting the veil on the combination of corporate interests and political cowardice that underlie the self-censorship and venality that make the American mass media a thoroughly pliant propaganda system for the US government and the financial elite that it represents.



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