

Yes, CBS screwed up badly in 'Memogate' —
but so did those who covered the affair

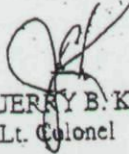
BLOG-GATE

01 August 1972

MEMORANDUM FOR RECORD

SUBJECT: Bush, George W. 1st Lt. 3244754FG
Suspension of Flight status

1. On this date I ordered that 1st Lt. Bush be suspended from flight status due to failure to perform to USAF/TexANG standards, and failure to meet annual physical examination (flight) as ordered.
2. I conveyed my verbal orders to commander, 147 th Fur Introp Gp with request for orders for suspension and convening of a flight review board IAW AFM 35-13.
3. I recommended transfer of this officer to the 9921 st Air Reserve Squadron in May and forwarded his AF Form 1288 to 147 th Fur Introp Gp headquarters. The transfer was not allowed. Officer has made no attempt to meet his training certification or flight physical. Officer expresses desire to transfer out of state including assignment to non-flying billets.
4. On recommendation of Harris, I also suggested that we fill this critical billet with a more seasoned pilot from the list of qualified Vietnam pilots that have rotated. Recommendations were received but not confirmed.


JERRY B. KILLIAN
Lt. Colonel

BY COREY PEIN

"The drama began when CBS posted forged National Guard documents on its Web site and, that same evening, an attentive 'Freep'er' (a regular at the conservative FreeRepublic.com Internet site) named Buckhead raised suspicion of fraud. From there, intrepid bloggers Powerlineblog.com and Little Green Footballs, the Woodward and Bernstein of Rathergate, began to document the mounting signs of forgery."

— Chris Weinkopf in *The American Enterprise Online*

"The yeomen of the blogosphere and AM radio and the Internet took [CBS's 60 Minutes II] down. It was to me a great historical development in the history of politics in America. It was Agincourt."

— Peggy Noonan in *The Wall Street Journal*

"NOTE to old media scum We are just getting warmed up!"

— "Rrrod," on FreeRepublic.com

Bloggers have claimed the attack on CBS News as their Boston Tea Party, a triumph of the democratic rabble over the lazy elites of the MSM (that's mainstream media to you). But on close examination the scene looks less like a victory for democracy than a case of mob rule. On September 8, just weeks before the presidential election, *60 Minutes II* ran a story about how George W. Bush got preferential treatment as he glided through his time in the Texas Air National Guard. The story was anchored on four memos that, it turns out, were of unknown origin. By the time you read this, the independent commission hired by the network to examine the affair may have released its report, and heads may be rolling. Dan Rather and company stand accused of undue haste, carelessness, excessive credulity, and, in some minds, partisanship, in what has become known as "Memogate."

But CBS's critics are guilty of many of the very same sins. First, much of the bloggers' vaunted fact-checking was seriously warped. Their driving assumptions were often drawn from flawed information or based on faulty logic. Personal attacks passed for analysis. Second, and worse, the reviled MSM often followed the bloggers' lead. As mainstream media critics of CBS piled on, rumors shaped the news and conventions of sourcing and skepticism fell by the wayside. Dan Rather is not alone on this one; respected journalists made mistakes all around.

Consider the memos in question. They were supposed to have been written by Lieutenant Colonel Jerry Killian, now dead, who supervised Bush in the Guard. We know Killian's name was on them. We don't know whether the memos were forged, authentic, or some combination thereof. Indeed, they could be fake but accurate, as Killian's secretary, Marian Carr Knox, told CBS on September 15. We don't know through what process they wound up in the possession of a former Guardsman, Bill Burkett, who gave them to the star CBS producer Mary Mapes. Who really wrote them? Theories abound: *The Kerry campaign created the documents. CBS's source forged them. Karl Rove planted them. They were real. Some of them were real. They were recreations of real documents.* The bottom line, which credible document examiners concede, is that copies cannot be authenticated either way with absolute certainty. The memos that were circulated online were digitized, scanned, faxed, and copied who knows how many times from an unknown original source. We know less about this story than we think we do, and less than we printed, broadcast, and posted.

Ultimately, we don't know enough to justify the conventional wisdom: that the documents were "apparently bogus" (as Howard Kurtz put it, reporting on

Dan Rather's resignation) and that a major news network was an accomplice to political slander.

What efforts did CBS make to track down the original source? What warnings did CBS's own experts provide to *60 Minutes II* before air time? These are matters for the independent commission, headed by Lou Boccardi, former chief of The Associated Press, and Dick Thornburgh, the former U.S. attorney general. But meanwhile, the dangerous impatience in the way the rest of the press handled this journalistic tale bears examination, too.

'IT ISN'T JUST RUSH LIMBAUGH ...'

Three types of evidence were used to debate the documents' authenticity after Rather and *60 Minutes II* used them in the story. The first, typography, took many detours before winding up at inconclusive. The second, military terminology, is more telling but also not final. The third, the recollections of those involved, is most promising, but so far woefully underreported.

Haste explains the rapid spread of thinly supported theories and flawed critiques, which moved from partisan blogs to the nation's television sets. For example, the morning after CBS's September 8 report, the conservative blog Little Green Footballs posted a do-it-yourself experiment that supposedly proved that the documents were produced on a computer. On September 11, a self-proclaimed typography expert, Joseph Newcomer, copied the experiment, and posted the results on his personal Web site. Little Green Footballs delighted in the "authoritative and definitive" validation, and posted a link to Newcomer's report on September 12. Two days later, Newcomer — who was "100 percent" certain that the memos were forged — figured high in a *Washington Post* report. The *Post's* mention of Newcomer came up that night on Fox, MSNBC, and CNN, and on September 15, he was a guest on Fox News's *Hannity & Colmes*.

Newcomer gave the press what it wanted: a definite answer. The problem is, his proof turns out to be far less than that. Newcomer's résumé — boasting a Ph.D. in computer science and a role in creating electronic typesetting — seemed impressive. His conclusions came out quickly, and were bold bordering on hyperbolic. The accompanying analysis was long and technical, discouraging close examination. Still, his method was simple to replicate, and the results were easy to understand:

Based on the fact that I was able, in less than five minutes ... to type in the text of the 01-August-1972 memo into Microsoft Word and get a document so close that you can hold my document in front of the 'authentic' document and see virtually no errors, I can assert without any doubt (as have many others) that this document is a modern forgery. Any other position is indefensible.

Red flags wave here, or should have. Newcomer be-

gins with the presumption that the documents are forgeries, and as evidence submits that he can create a very similar document on his computer. This proves nothing — you could make a replica of almost any document using Word. Yet Newcomer's aggressive conclusion is based on this logical error.

Many of the typographic critiques were similarly flawed. Would-be gumshoes typed up documents on their computers and fooled around with the images in Photoshop until their creation matched the originals. Someone remembered something his ex-military uncle told him, others recalled the quirks of an IBM typewriter not seen for twenty years. There was little new evidence and lots of pure speculation. But the speculation framed the story for the working press.

The men formed a feedback loop, promoting a version of events in which Bush's service is unquestionable, even exemplary.

The very first post attacking the memos — nineteen minutes into the *60 Minutes II* program — was on the right-wing Web site FreeRepublic.com by an active Air Force officer, Paul Boley of Montgomery, Alabama, who went by the handle "TankerKC." Nearly four hours later it was followed by postings from "Buckhead," whom the *Los Angeles Times* later identified as Harry MacDougald, a Republican lawyer in Atlanta. (MacDougald refused to tell the *Times* how he was able to mount a case against the documents so quickly.) Other blogs quickly picked up the charges. One of the story's top blogs, Rathergate.com, is registered to a firm run by Richard Viguerie, the legendary conservative fund-raiser. Some were fed by the conservative Media Research Center and by Creative Response Concepts, the same p.r. firm that promoted the Swift Boat Veterans for Truth. CRC's executives bragged to *PR Week* that they helped legitimize the documents-are-fake story by supplying quotes from document experts as early as the day after the report, September 9. The goal, said president Greg Mueller, was to create a buzz online while at the same time showing journalists "it isn't just Rush Limbaugh and Matt Drudge who are raising questions."

In order to understand "Memogate," you need to understand "Haileygate." David Hailey, a Ph.D. who teaches tech writing at Utah State University — not a professional document examiner, but a former Army illustrator — studied the CBS memos. His typographic analysis found that, contrary to widespread assump-

tions, the document may have been typed. (He points out, meanwhile, that because the documents are typed does not necessarily mean they are genuine.) Someone found a draft of his work on a publicly accessible university Web site, and it wound up on a conservative blog, Wizbang. The blog, citing "evidence" that it had misinterpreted, called Hailey a "liar, fraud, and charlatan." Soon Hailey's e-mail box was flooded. Anonymous callers demanded his dismissal.

Hailey is more restrained in his comments than other document examiners more widely quoted in the press. Of course, cautious voices tend to be quieter than confident ones.

Hailey wasn't the only one to feel the business end of a blog-mob. The head of one CBS affiliate said he received 5,000 e-mail complaints after the *60 Minutes II* story, only 300 of which were from his viewing area.

The specific points of contention about the memos are too numerous to go into here. One, the raised "th" character appearing in the documents, became emblematic of the scandal, as Internet analysts contended that typewriters at the time of the memo could not produce that character. But they could, in fact, according to multiple sources. Some of the CBS critics contend they couldn't produce the specific "th" seen in the CBS documents. But none other than Bobby Hodges, who was Colonel Killian's Guard supervisor, thinks otherwise. He told *CJR*, "The typewriter can do that little 'th,' sure it can." He added, "I didn't think they were forged because of the typewriter, spacing, or signature. The only reason is because of the verbiage."

Hodges's doubts about the memo rest mainly on military terminology, and he has a list of twenty-one things wrong with the terms used in the CBS documents. He says he came up with the first ten in a couple of minutes. For example, he points to the use of "OETR" instead of "OER" (for Officer Effectiveness Report), and the use of the word "billets" instead of "positions." This helped close the case for some, but probably shouldn't have. Even preliminary digging casts some doubt on the evidence. For example, Bill Burkett was quoted in a book published last March using the term "OER," suggesting he would've known better had he forged the documents as Hodges and others implied in interviews. And newspaper stories and Air Guard documents indicate that the term "billets" was indeed used in the Air Guard, at least in the mid-1980s. Such small points don't prove anything about the memos. But they do suggest that the press should never accept as gospel the first explanation that comes along.

THE DOUBLE STANDARD

As Memogate progressed, certain talking points became conventional wisdom. Among them, that CBS's producer, Mary Mapes, was a liberal stooge; that her source, Bill Burkett, was a lefty moonbat with an ax to grind. Both

surely wanted to nail a story that Bush got preferential treatment in the National Guard. Still, there was a double standard at work. Liberals and their fellow travelers were outed like witches in Salem, while Bush's defenders forged ahead, their affinities and possible motives largely unexamined.

The Killian memos seem to have grown out of battles that began long before last September. In early 2004, Burkett had featured prominently in a book, *Bush's War for Reelection*, by the Texas journalist Jim Moore, who also co-wrote the Karl Rove biography *Bush's Brain*. *Bush's War for Reelection* included a story dating back to 1997, when Burkett worked as an adviser to the head of the Texas National Guard at Camp Mabry. In that role, Burkett says, he witnessed a plan to scrub George W. Bush's file of embarrassments.

When this came out, the press naturally turned to the people Burkett had named in Moore's book. And those men — Danny James, Joe Allbaugh, John Scribner, and George Conn — all dismissed Burkett's story. That's four against one, but not necessarily case closed. Most reporters omitted some basic, and relevant, biographic facts about Burkett's critics.

For example, Joe Allbaugh was usually identified in press accounts — in *The New York Times*, the *Baltimore Sun*, and *USA Today*, to name a few — as Bush's old chief of staff. He is much more. In 1999 Allbaugh, the self-described "heavy" of the Bush campaign, told *The Washington Post*, "There isn't anything more important than protecting [Bush] and the first lady." He was made head of the Federal Emergency Management Agency after Bush's victory, resigned in 2003, and went on to head New Bridge Strategies, a firm that helps corporations land contracts in Iraq.

Danny James, a Vietnam veteran and the son of "Chappie" James, America's first black four-star general, is also a political appointee whose fortunes rose with Bush's. He had his own reason to dislike Burkett. Burkett's 2002 lawsuit in a Texas district court against the Guard claimed that the staff of then adjutant-general James retaliated

against him for refusing to falsify reports. It was dismissed, like other complaints against James and the Guard, not on the merits, but because under Texas law the courts considered such complaints internal military matters. Without further investigation, we are stuck at he said, she said.

Many of the people defending Bush in February on the scrubbing story appeared again in September, when the alleged Killian documents appeared on CBS. Other defenders appeared as well, and rarely were their connections to the Bush camp made clear, or the basis for their claims probed.

Other pieces of context might have been helpful, too. For example, Maurice Udell, the former commander of the 147th Fighter Interceptor Group, in which Bush served, first came to Bush's defense in 2000 and was resurrected for the same cause in 2004. After Megogate he was a guest on *Hannity & Colmes* and was quoted in the *Fort Worth Star-Telegram*, saying the memos were "so totally false they were ridiculous." He also popped up in *The Richmond Times-Dispatch* and an Associated Press story. No one noted the cloudy circumstances of Udell's exit from the military (probably because the relevant clips are hard to find in electronic databases). In 1985, after an Air Force investigation into contract fraud, as well as misuse of base resources, Udell was ordered to resign. The initial probe included an allegation of illegal arms shipment to Honduras, but the charge came up dry.

Context was also lacking in quotes from Bush's old National Guard roommate, Dean Roome, who appeared with this old boss Udell on *Hannity & Colmes*. With one exception, Roome's press appearances have served a singular purpose: praise the president, attack the memos. The exception was notable and often reprinted. Last February, *USA Today* used a quote from a 2002 interview with Roome: "Where George failed was to fulfill his obligation as a pilot. It was an irrational time in his life." Roome says the comment was taken out of context, and emphasizes how great it was to fly with Bush.

In his office, Roome had taped up a

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printout of a September 16 *Washington Times* story in which the reporter asked Roome to speculate about who "the forger" was. Roome does not name Burkett but hints that it was he, without offering specifics. Roome also has a framed picture of President Bush signed, "to my friend Dean Roome, with best wishes." Another picture shows Roome and Bush on a couch. Roome says it's from this past March, when he attended a private party in Houston with Bush and about a dozen old friends. The meeting, Roome said, was a back-slapping affair, in which Bush told the group how he cherished his old friends from the Guard, Midland, and Dallas.

When the central charge is a cover-up, as it was in the CBS story, vigilance is required. Thus, the connections between Bush's old associates should have seen print. Together the men formed a feedback loop, referring reporters to one another and promoting a version of events in which Bush's service is unquestionable, even exemplary. With such big names and old grudges in play, journalists are obliged to keep digging.

The Memogate melee peaked in late September. On cable, Joe Scarborough of MSNBC held forth with hasty overstatements: "I'm supposed to say 'allegedly forged.' I think everybody in America knows these documents were forged." His

guests threw in anything that sounded good: "You know, Dan Rather's being called on the Internet, 'Queen of the Space Unicorns,'" said Bob Kohn, author of a book on why *The New York Times* "can no longer be trusted." (The "Space Unicorn" line had first appeared on Jim Treacher's conservative humor blog, and quickly wound up on *The Wall Street Journal's* online opinion page.)

Conclusions were often hidden within questions, no matter how little evidence supported them. NBC's Ann Curry, hosting the *Today* show, asked a guest, who had no way of knowing: "Was CBS a pawn in a dirty tricks effort by the Kerry campaign to smear . . . President Bush? Can we go that far?"

No, we can't. But by the time Dan Rather announced on November 23 that he would step down from the anchor spot in March 2005, the bloggers' perceptions had taken hold. For example, the December 6 issue of *Newsweek* stated, incorrectly, that Rather had acknowledged that the *60 Minutes II* report "was based on false documents." The following week the magazine's "Clarification" was limited to what Rather had said, not to what *Newsweek* or anyone else could have known about the documents.

Dan Rather trusted his producer; his producer trusted her source. And her source? Who knows. To many, Burkett destroyed his own credibility when he told Dan

Rather that he had lied about the source of the Kilian memos. Still, many suppositions about Burkett are based on standards that were not applied evenly across the board. In November and December the first entry for "Bill Burkett" in Google, the most popular reference tool of the twenty-first century, was on a blog called Fried Man. It classifies Burkett as a member of the "loony left," based on his Web posts. In these, Burkett says corporations will strip Iraq, obliquely compares Bush to Napoleon and "Adolf," and calls for the defense of constitutional principles. These supposedly damning rants, alluded to in *USA Today*, *The Washington Post*, and elsewhere, are not really any loonier than an essay in *Harper's* or a conversation at a Democratic party gathering during the campaign. While Burkett

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doesn't like the president, many people in America share that opinion, and the sentiment doesn't make him a forger.

Jim Moore, who relied on Burkett for much of his book on Bush, says he initially called some of the generals who worked with Burkett to check his source's reputation — but didn't tell them what the story was about. They all said Burkett was honest and trustworthy. When Moore called them back, and described the accusations, only one of them, Danny James, then changed his opinion, calling Burkett a liar. George Conn, the ex-Guardsman who said he didn't remember Burkett's story of file-scrubbing, nevertheless told reporters Burkett was "honest and forthright."

Newsweek's Mike Isikoff has said that he interviewed Burkett last February and thought Burkett "sounded credible," but didn't use the Texan's story because he couldn't substantiate it. Good decision. CBS couldn't prove the authenticity of the documents in its story, and look at the results. Dan Rather has announced his resignation under a cloud and his aggressive news division is tarnished. And the coverage of Memogate effectively killed the story of Bush's Guard years. Those who kept asking questions found themselves counted among the journalistic fringe.

While 2004 brought many stories of greater public import than how George W. Bush spent the Vietnam War, the year brought few of greater consequence for the media than the coverage of Memogate. When the smoke cleared, mainstream journalism's authority was weakened. But it didn't have to be that way. ■

Corey Pein is an assistant editor at CJR.

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