

# Chief of Inquiry

Earl Warren NY-9/28/67



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He was moved by a simple appeal to patriotic duty

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WASHINGTON, Sept. 27—When he was first asked by two high officials of the Justice Department to head an inquiry into President Kennedy's assassination, Chief Justice Earl Warren flatly declined. Then President Johnson called him over to the

White House and talked to him about patriotism, about the country's urgent need to settle the assassination rumors, about the special trust foreign lands would place in an inquiry he headed. Mr. Johnson said he knew Earl Warren would get back into his soldier's suit from World War I if the country were attacked and needed him. The President asked him to take on the inquiry as a similar duty.

The Chief Justice said Yes. He left the President's office with tears in his eyes.

The episode discloses much about Earl Warren. He is intensely in love with his country, and thus could be moved by a simple appeal to patriotic duty. He has the greatest respect for the Presidency, and Mr. Johnson's personal request for help was impossible to resist.

There must have been many occasions in the 10 months since then when most men would have regretted accept-

ing the commission chairmanship. It has been an extraordinarily arduous job, on top of the already demanding one of the Chief Justiceship. And it is a job guaranteed to bring controversy, not glory.

But the Chief Justice has not indicated any regrets. He has simply borne as a duty what has turned out to be a heavy burden on him. Even when he remarked to a friend last week on that burden, he did so with a chuckle, not in a complaining voice.

Something of the same attitude—attacking his work as a duty—characterizes him on the Supreme Court.

He does not agonize over decisions as some justices have. Nor does he draw certitude from a carefully constructed philosophy. Rather he regards himself as an ordinary human being with a duty, and the strength for decision comes simply from the knowledge that he is doing the best he can.

### Son of Immigrants

The Chief Justice's humility may reflect his humble beginnings.

His parents were Scandinavian immigrants. His father, Methias, changed the spelling of his name from Varran to Warren when he came to this country from Norway.

Methias worked for the Southern Pacific Railroad in California and Earl was born in a frame house in Los Angeles on March 19, 1891.

As a youth, Earl spent his summers as a call boy waking up the gangs of rail workers.

He went to college and law school at the University of California in Berkeley. He practiced law briefly with a firm and with a corporation, but since 1920 his life has been in public service.

### Three-Time Governor

For five years he was Deputy District Attorney of Alameda County. Then for 13 years its crusading District Attorney, then for four years State Attorney General.

In 1942 he was elected Governor. He was re-elected twice—the only threetime Governor in California's history—and once won both the Republican and the Democratic nominations.

He was the Republican nominee for Vice President in 1948.

As Governor he was an apostle of liberal Republicanism. He vastly increased state old-age pensions and other social services, and he spoke out for foreign aid and other international ventures.

When President Eisenhower appointed him to the

Supreme Court in 1953, the President and most others expected him to take a cautious, middle-of-the-road approach to the use of judicial power. Instead, he has turned out to be a strong believer that the courts must do all they can for individual liberty, for the little man.

It took a few years for the new Chief Justice to find his place in the judicial spectrum. He voted at first for some major decisions rejecting claims that the Constitution had been violated by illegal searches and stern treatment of aliens.

But by his third or fourth court term, Chief Justice Warren had established himself as one ready to read the Constitution broadly for the protection of individuals facing Governmental power—the accused criminal, the alleged Communist, the alien.

In more recent years the Chief Justice has more and more often been part of a majority for such views. The Court has taken long steps for individual liberty and equality. The longest was doubtless last June's decisions, written by the Chief Justice, that state legislative districts must be substantially equal in population.

### 1954 School Decision

The opinion, with which Chief Justice Warren is most closely identified around the world is his 1954 opinion holding public school segregation unconstitutional. His part in obtaining a unanimous court for that decision is not yet known, but it evidently was important.

His judicial opinions have made Earl Warren a figure of intense controversy. He is attacked viciously by the John Birch Society and other rightists and segregationists. He is a hero to many others, in this country and abroad.

Publicly, at least, the Chief Justice has remained calm in the face of even the most provocative attacks. But there

can be no doubt that this amiable man suffers inside.

He is in fact a person of strong emotion. This emerges sometimes in court. When he suspects counsel of a lack of candor, the lawyer suddenly finds the huge frame of the Chief Justice looking over the bench at him, with stern questions flying.

The emotionalism also came out in the statement issued by the Chief Justice immediately after President Kennedy's assassination.

He said the President had "suffered martyrdom as a result of the hatred and bitterness that have been injected

into the life of our nation by bigots.

In private life the Chief Justice is probably closer to being the ordinary man, the man of the people, than any other member of the present court.

He enjoys football and baseball and likes to talk about sports. He hunts and fishes when he can.

He was married in 1925 to a widow, Nina Fahnestock Meyer, whose son, James, he adopted. They have five children.