

THE WASHINGTON POST COMPANY

1515 L Street Northwest, Washington 5, D. C.

KATHARINE GRAHAM
President

February 18, 1964

Dear Chief:

I am forwarding you this letter from one of our top Newsweek editors. He has had experience with public relations for RCA. Because I think him very intelligent and he was very worried, I told him I would forward his worries to you. I apologize as he does for burdening you further. This was something he felt he must say.

It was good to see you, however briefly, last night.

Affectionately,



The Chief Justice
United States Supreme Court
Washington, D. C.

Enclosure

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Newsweek

February 14, 1964

LESTER BERNSTEIN
SENIOR EDITOR

The Honorable Earl Warren
Washington, D. C.

My dear Mr. Chief Justice:

I write as an individual; this letterhead is intended only to offer credentials of responsibility and good-will, and Mrs. Graham has been kind enough to agree to bring these personal observations to your attention.

I feel some qualms over the role you have been assuming as a press spokesman for the Presidential Commission you head, and these misgivings are shared by a number of colleagues whose judgment I value. We recognize the excellence of your motives in making yourself available for questioning and offering such comment as you can to keep the public informed of the Commission's work in a general way; it is plainly desirable to avoid the impression of a star-chamber proceeding, and to counter false or misleading public comment by witnesses. Moreover, you have been under considerable pressure from the press at large to give some running account of the hearings. I realize also that the proceeding you are conducting is extremely unusual, if not unique, and does not bear ready comparison to the way the Supreme Court, or any court, manages its business.

Nonetheless, it seems to me that you are courting an undesirable-- and unnecessary--impression by publicly discussing the investigation, however guardedly, while it is in progress. Granting that this is not a court proceeding, it is certainly quasi-judicial; and your own identity as the nation's Chief Justice inevitably underscores its judicial aspect. Accordingly, it seems procedurally inappropriate and personally out of character for you to engage in public evaluation of witnesses and their testimony while the hearing is continuing and, in some instances, while testimony of the witness is still incomplete. Moreover, to deal casually on a day-to-day basis with reporters invites risks of misquotation, misunderstanding, and sensational exploitation--

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Newsweek

The Honorable Earl Warren

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February 14, 1964

all of which, I believe, played a part in the recent clamor over whether or not you said that some evidence in the case would be withheld "in our lifetime." These are hazards to which some public officials must necessarily expose themselves; there is no reason, in my view, to do so as Chairman of this Presidential Commission, and every reason not to do so as a Chairman who happens also to be Chief Justice.

The alternative, I believe, is simple and reasonable: to employ the services of a competent, experienced public information officer. I do not know whether the Commission has such a man on its staff. If it does not, I should think it would be possible to acquire a high-calibre professional from one of the departments in the Executive Branch or, for that matter, from the Court. It seems to me that such a spokesman could conscientiously confine himself precisely to those limited areas in which you have been attempting to meet the demands of the press for continuing information. For him to do so would avoid risks of embarrassment to you and to the historic mission you are discharging. To remove yourself in this way from the hurly-burly of regular press contact would add a measure of dignity to the whole undertaking--and, as the continuing circus in Dallas suggests, dignity is a quality hardly notable so far in the legal aftermath of the tragedy of November 22.

I offer these suggestions with some reluctance since you have had to endure an extraordinary burden of criticism, and I hate to add to it even in this way. I would not presume to offer these suggestions at all if I did not count myself one of your warm admirers who has followed your career as Chief Justice with the highest respect and who wishes you well in this new assignment on which our country will be judged around the world and before the bar of history.

Sincerely,



Lester Bernstein

LB/er

April 8, 1964

Mr. Lester Bernstein,
Senior Editor,
Newsweek,
444 Madison Avenue,
New York, New York 10022.

Dear Mr. Bernstein:

Your thoughtful and friendly letter, which was transmitted to me by Mrs. Katharine Graham, deserved a more prompt acknowledgement and it would have been forthcoming except for the pressure of the double duty I have undertaken. I do want you to know, however, that in spite of my tardiness in that respect your words were both considered and honored.

You were as right as any one could be, and I promptly changed my relationship with the press which has been a delicate one at best. The Commission was really between the devil and the deep blue sea. We desired no publicity whatsoever, but for a time the pressure was almost hysterical. We decided not to have a public information officer because his work would be to make news rather than to avoid it. When we refused to answer questions, stories based on conjectures arising from the refusals were written to the distress of the Commission.

I tried to pursue a midway course, but found it did not work. As you pointed out, I was quoted as saying that some of the testimony would not be released in our lifetime. I assure you that nothing is further from our desires or intentions. From the very beginning, we have planned our work so that everything will be preserved for the public, and it is my hope that whatever comes under our review will be placed in the National Archives for all to see. Recently, so far as I have observed, I have not been quoted. That has been occasioned by my refusal to answer any questions concerning the testimony. This is as it should be, and I thank you for your cautioning words.

April 8, 1964

Mrs. Katharine Graham,
President,
The Washington Post Company,
1515 L Street, N. W.,
Washington 5, D. C.

Dear Kay:

It was good of you to forward the letter from Mr. Bernstein to me, and I should have thanked you sooner. However, I have been working under great pressure, and my correspondence has suffered as a result.

Mr. Bernstein's suggestions were quite appropriate, and I am enclosing a copy of my letter to him expressing my appreciation.

With best wishes, I am

Sincerely,