

## ON BLAMING THE PRESS . . . . . by Alfred Friendly

## Warren Commission's Complaint

THOSE PARTS of the Warren Commission's report bearing on the responsibility of the news media for some of the dreadful aftermath of President Kennedy's assassination raise troublesome problems about the press in a democratic society. And the Commission's remedial proposals are only the beginning of an argument, not end of one.

A difficulty to be recognized at the outset is that all of our guarantees of freedom have reverse sides to them, full of imperfections and liabilities. Freedom of assembly can lead to riots, and privileged talk in courts and Congress leads to a certain amount of false and evil utterances; and *habeas corpus* can let a felon free to sin again.

So with freedom of the press. At Dallas, one consequence was an epidemic of rumors of plot and conspiracy, created by inconsistent and contradictory reports issued to the press by law enforcement officials, and relayed by the press to the public. But is this the only ingredient to be considered in a discussion on whether to modify the present philosophy about freedom of the press?

THE COMMISSION is ambivalent about assessing the blame for the engendering of the hurtful rumors. Its harshest reproach is to the law enforcement officials who issued the information, some true, some erroneous. And whether true or not, the Commission charges, the issuance gravely jeopardized Lee Harvey Oswald's right to a fair trial had he lived to be tried. Presumably, to the extent the press printed that information, it contributed to a denial of that right.

But the Commission's complaint about the press is not so much that it printed what it learned, but rather that it pressed so aggressively for information, even to the point, the Commission seems to feel, of bullying the police into disclosures.



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The question here would seem to be what kind of a press is good for the country: a docile one, or a demanding one. The President had been murdered. Was the press wrong to seek information about it with furious diligence? Or was this a situation where the usual—and usually desired—energy and toughness of reporters should have been set aside?

The Commission declares: ". . . neither the press nor the public had the right to be contemporaneously informed by the police or prosecuting authorities of the details, being accumulated against Oswald . . . its curiosity should not have been satisfied at the expense of the accused's right to trial by an impartial jury."

With the legal and moral principle there can be no argument. But the question may be asked whether, in any practical, feasible way, the great principle could have been secured, at Dallas last year or any place else whenever a President is assassinated. It is also fair to ask what the consequences might have been in Dallas and elsewhere had information about the crime and the suspect not been swiftly made public as it was collected. What would have been the crop of rumors in that case? And what would have been the action taken on the basis of those rumors?

THE COMMISSION chides the press for its lack of self-discipline. The behavior of reporters and photographers was not such as to make any newsman proud or complacent or even indifferent. But admitting this, one must next ask about the existence of means by which self-discipline could have been instituted.

The press is not a licensed body, operating through legal rules or step-by-step through enforceable procedural regulations. It is not an entity, much less one into which admission can be controlled and where operations can be subjected to official prescriptions. For the most part, it has shown itself willing to accept reasonable limitations when they are set by the only people who can set them, i.e. those in charge of an event being reported. But the members

of the press have no effective way of setting limitations, except each man upon himself; no one member has the authority to limit his brother.

The Commission points out, however, that the press did not heed repeated requests from the Dallas police to clear the corridors, and disobeying orders not to ask Oswald questions at two of his appearances.

But the question is whether the police tried very hard to keep the corridors clear, or asked for a limitation of the number of newsmen, or even checked credentials (except on one occasion, where the checking was so intense as to have permitted Jack Ruby to walk into the building, unchallenged, and kill Oswald.)

THERE IS NO indication that the police proposed to install any orderly procedures, such as pooling of cameramen or regularized briefings. In the past, the press has willingly agreed to such devices particularly in situations where it was obvious that otherwise there would be chaos. It agrees on them here and elsewhere every day in the year, and abides by them.

But it is difficult, at short notice, for the press to initiate those devices, and at Dallas it would appear to have been downright impossible. If the Police Chief or Mayor or some other official did not prescribe the rules, or give the local editors the mandate to do so, who was to organize the system? The senior correspondent of the Associated Press? Or of the United Press International? Or of CBS? Or the Gentleman from The New York Times?

And lacking that, could each member of the world's press, at the scene of the most news-laden murder since 1914, voluntarily forsake the center of news information, in some epidemic of self-abnegation?

The press was not pretty in Dallas. But it may not be fair to accuse it for failure to embrace a system that was not its to prescribe nor perhaps in its ability to create.