
Roger J. Traynor
The National News Council, Inc.

William B. Arthur
The National News Council, Inc.

Richard W. Jencks

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Dear Justice Traynor:

Thank you for your note of January 16 commenting on my letter of January 8 to William Arthur. I have read with great interest your address to the New England Society of Newspaper Editors and I have indeed noted that "it neither begins nor ends with preconceptions."

I am sorry that you believe me to have mistakenly posited any such preconception, for I did not intend to do so.

My only point was to observe that the National News Council apparently regards the question whether there should be governmentally-compelled access to the press as being both open and arguable. You have reemphasized this point.

Allow me to add that, as a California-trained lawyer, I have been for many years one of the league of admirers of your contributions to legal thought and to the administration of justice. I would be sorry indeed to be thought to quarrel with any project involving scholarly inquiry; my reservation is whether an organization conceived (as I thought) as a watchdog of press freedom and as a channel of non-governmental redress of complaints should be in the position of encouraging a study which could lead to a conclusion that governmental redress should be substituted for private redress.

Cordially,

The Honorable Roger J. Traynor  
Chairman  
The National News Council  
One Lincoln Plaza  
New York, New York 10023

January 22, 1974
Mr. Richard W. Jencks  
Vice President  
Columbia Broadcasting System, Inc.  
1990 M Street, N.W.  
Washington, D.C. 20036

Dear Mr. Jencks:

By now you will have received a copy of my address to the New England Society of Newspaper Editors from William B. Arthur, National News Council, in response to your letter to him of 8 January, a copy of which he sent on to me. Once you have read that address through, you will have noted in all likelihood that it neither begins nor ends with preconceptions. Its very title, Speech Impediments and Hurricane Flo, serves as an alert against preconceptions.

If you will also reread the Council's announcement of its access study, you may be reassured to find that your first reading mistakenly posits a preconception that is not there. A basic purpose of the Council is to encourage objective articulation of all points of view on the complex problems arising from the interaction of media, public, and government. Such articulation, beginning with homely questions rather than categorical imperatives, is a far cry from either cavalier assumptions and framing of issues or cavalier conclusions.

Sincerely yours,

Roger J. Traynor

cc: William B. Arthur
Mr. William B. Arthur  
Executive Director  
The National News Council  
One Lincoln Plaza  
New York, N.Y. 10023

Dear Bill:

Enclosed is a copy of my letter of 16 January to Richard W. Jencks, Vice President, Columbia Broadcasting System Inc. I am assuming that the press release referred to in his letter, announcing the access study, is the one you sent on to me; if not, would you send me a copy.

You will see that the first paragraph of my letter refers the address, to its title, Speech Impediments and Hurricane Flo. Apparently that title was omitted, perhaps inadvertently, from the copies you duplicated for distribution after adding some introductory remarks about the Council. I think you may agree that the heading should be restored. Its wording, as I noted in my letter to Jencks, serves as an alert against preconceptions, conveying at the outset that media freedom is no one-dimensional problem.

Sincerely,

Roger J. Traynor
Mr. Richard W. Jencks
Vice President
Columbia Broadcasting System Inc.
1990 M Street N.W.
Washington, D.C. 20036

Dear Mr. Jencks:

By now you will have received a copy of my address to the New England Society of Newspaper Editors from William B. Arthur, National News Council, in response to your letter to him of 8 January, a copy of which he sent on to me. Once you have read that address through, you will have noted in all likelihood that it neither begins nor ends with preconceptions. Its very title, "Speech Impediments and Hurricane Flo," serves as an alert against preconceptions.

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Sincerely yours,

Roger J. Traynor

cc William B. Arthur
16 January 1974

Mr. Richard W. Jencks
Vice President
Columbia Broadcasting System, Inc.
1990 M Street, N.W.
Washington, D.C. 20036

Dear Mr. Jencks:

By now you will have received a copy of my address to the New England Society of Newspaper Editors from William B. Arthur, National News Council, in response to your letter to him of 8 January, a copy of which he sent on to me. Once you have read that address through, you will have noted in all likelihood that it neither begins nor ends with preconceptions. Its very title, *Speech Impediments and Hurricane Flo*, serves as an alert against preconceptions.

If you will also reread the Council's announcement of its access study, you may be reassured to find that your first reading mistakenly posts a preconception that is not there. A basic purpose of the Council is to encourage objective articulation of all points of view on the complex problems arising from the interaction of media, public, and government. Such articulation, beginning with homely questions rather than categorical imperatives, is a far cry from either cavalier assumptions and framing of issues or cavalier conclusions.

Sincerely yours,

Roger J. Traynor

cc: William B. Arthur
Richard Jencks

Served to Lt. Comder U.S.N.R. 1941-45

b. Oakland 1921 (s. Frederick Marshall and Antia (de Laguna)
Student U. Cal. 1938-41; A.B. Stanford 1946; LLB 1948
m. Mary Barrett Wells 1942 (div. 1955)
children Michael Reynolds, Nancy de Laguna
m. 2d Jean Workman 1955 (d. 1964)
m. 3d Mary Barrett Wells 1966

Asst to genl counsel, Natl Assn Bdcasters 1948-50
Atty CBS 1950-59 (West Coast res. counsel 1953-59)
Pres. Alliance TV Film Producers Inc., Hollywood, Cal 1959-65
V.P. Assn Motion Picture & TV Producers, Hollywood 1963-65
Dep. genl counsel CBS 1965-68; genl counsel 1967-68
Exec. VP CBS TV Network division 1968-

Member City Council Pasadena 1963-65
Member American, Federal, Communications, bar assns

Home: 324 Riverside Drive, Riverside, Connecticut
Office: 51 W. 52nd Street
Dear Mr. Arthur:

Thank you for your note and for sending me a copy of the press release announcing the Council's access study.

I regret to note that any likelihood that the study might firmly reject the access idea is greatly diminished by the Council's framing of the issue, to wit:

"What the problem comes down to is this," Traynor said. "If you don't allow government intrusion, what kind of relief is an injured person going to get?"

This way of stating the issue neglects to take into account that under our free press system the "relief" an "injured person" is going to get is the relief provided by his access to alternative media of communications, a form of relief far more efficacious than any to be expected from the courts under a compelled access policy and without any of the hazards of government intrusion into the editing process.

For these reasons I keenly regret that the National News Council, which should have been considered a bulwark of press freedom, has undertaken at the very outset a study the basic assumption of which is that governmental intervention may be both lawful and appropriate.

Sincerely,

[Signature]

Mr. William B. Arthur
Executive Director
The National News Council
One Lincoln Plaza
New York, New York 10023

January 8, 1974
January 11, 1974

Mr. Richard W. Jencks
Vice President, Washington
Columbia Broadcasting System, Inc.
1990 M Street, N.W.
Washington, D.C. 20036

Dear Mr. Jencks:

I have your letter of January 8 regarding the National News Council's press release concerning its access study. Because you raise a serious question concerning a quote by Council Chairman Roger Traynor, I have forwarded a copy of your letter to Justice Traynor and have asked him to respond directly to you.

In the meanwhile, you may be interested in the enclosed speech Justice Traynor made concerning this study before the New England Society of Newspaper Editors.

Be assured that the National News Council has thus far taken no position on the access matter and that whatever position it does take will be in keeping with the Council's stated purpose of protecting press freedom and concern for the public interest.

Sincerely,

William B. Arthur

cc: Justice Roger J. Traynor

Enclosure

WBA:sh
January 11, 1974

Justice Roger J. Traynor
2643 Piedmont Avenue
Berkeley, Calif. 94704

Dear Roger:

I have enclosed a copy of a letter I received from Dick Jencks, Vice President of CBS, Washington, D.C. Mr. Jencks raises a question concerning a portion of your quote contained in our press release announcing the access study.

I feel that you may want to respond personally to Mr. Jencks, reassuring him that the Council has taken no position, thus far, regarding access.

If you have any questions concerning this, please let me know. As you can see from the attached letter to Mr. Jencks, I have informed him that he will hear directly from you.

Best regards,

William B. Arthur

Enclosures

WBA:sh
24 December 1973

Dear Mr. Jencks:

I was glad to read at leisure, thanks to the copy you sent on, your thoughtful and timely piece on Fairness and Access in the Light of CBS v DNC. One could wish that the exploration of so large a problem would command widespread interest.

When the National News Council's study on the broad problem of access is completed, probably in March, we will send a copy on to you.

With all good wishes,

Sincerely,

Roger J. Traynor

Mr. Richard W. Jencks
Vice President
Columbia Broadcasting System
1990 M Street, N. W.
Washington, D.C. 20036

cc: Mr. William B. Arthur
Dear Justice Traynor:

I read with great interest your recent speech before the New England Society of Newspaper Editors.

In view of your interest in the subject you may be interested in having a copy of a talk I gave at the University of Wisconsin on November 17 entitled "Fairness and Access in the Light of CBS v. DNC."

Sincerely,

The Honorable Roger J. Traynor
Chairman
The National News Council
One Lincoln Plaza
New York, New York 10023

cc: Mr. William B. Arthur

December 14, 1973