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Supreme Court of the United States
Washington, D. C. 20543

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W. C. NORRIS

CHAMBERS OF
CHIEF JUSTICE BURGER
RETIRED

December 1, 1986

Dear Bill:

I read your excellent editorial in the U.S. News & World Report. Until September 26th of this year, I was under some inhibition about expressing myself but I feel freer now.

Over recent years, I have been dismayed by what I observe as the ethical or moral decay in the private sector. Of course, it is not confined to Wall Street, but permeates a large part of the private sector, including building contractors, carpenters, plumbers and electricians.

Your U.S. News & World Report piece articulates the concerns that have been growing. The inhibitions on my public expression remain to some extent, but not nearly what they were when I was deciding or participating in the decisions of cases which frequently involved the business community. This malady is not confined to the private sector. In my tenure of office, three federal judges have been indicted, two of them convicted, and one of those also convicted in an impeachment proceeding in the House of Representatives and removed from office. You would have had no occasion to follow my lectures and speeches over recent years on the subject of the legal profession, but they have produced a certain amount of alienation between me and my profession. So I freely confess that what I observe about the ethics of the private sector is entirely consistent with the observations you made in your editorial.

From having built a new home recently, I have seen that this phenomenon has reached the carpenters, plumbers and electricians I mentioned, to say nothing of the contractors.

Even while still active in office, I occasionally expressed my views about television. Recently, I gave a lecture at a conference at the Wye Plantation Conference center, sponsored by TV executives. During the "dialogue" period, I was asked about my "obstinate" refusal to allow television in the Supreme Court. My response was the one that I had given on a number of occasions, that it was "because of the infinite capacity of television to distort reality." I went on to say that I would emphasize the word capacity because television, particularly public television, and to some extent, some sectors of the television commercial networks, have produced some truly remarkable things. But catering to the lowest denominator of

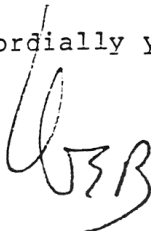
remarkable things. But catering to the lowest denominator of taste, hardly contributes to the elevation of that taste. The interesting thing about the conference was that I had been invited by people involved in television, not

withstanding my known views, at least to some of them. I recall a statement made by Newton Minow, who was chairman of the Federal Communications Commission during the Kennedy administration, now a prominent member of the Chicago bar. When he left office, he referred to television as the "vast wasteland." That is roughly 20 years ago, and it does not appear that the TV people have paid much attention either to his views or the views of a man like Fred Friendly who quit a very lucrative position as president of CBS news as a means of protest at the shallowness of television.

What strikes me as important and significant about your editorial is that one of the outstanding leaders of the private sector, would as Fred Friendly did, speak out in protest against what seems to be tolerated, if not accepted far too much by the private sector. I know, as you do, that many people in your situation feel as you do. It is too bad that more of them do not speak out.

I look back with considerable satisfaction on our common interest in the problem of corrections in the American penal system. You contributed a great deal to that. Frank Consideine has often commented on your contribution and he also was a significant contributor.

Cordially yours,



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