

BILL DOUGLAS, AMERICAN

BY FRED RODELL

WILLIAM O. DOUGLAS would today be President of the United States if it were not for three men.

The first is Robert Hannegan, shrewd and ruthless boss of last year's Democratic Convention who, as unofficial campaign manager for Harry Truman, disregarded the wishes and distorted the orders of his weary Party Chieftain back in Washington in order to wangle for Truman the other place on the Democratic ticket.

The second is not-so-shrewd Sidney Hillman who, even while his PAC was still whooping it up for Wallace, made a secret deal with the bosses and the Bourbons of the Party to take mild Truman in preference to tough Douglas — after the two names had been coupled in the Presidential note that put an end to Henry Wallace's chances.

The third man responsible is Supreme Court Justice William O. Douglas himself.

For Douglas, as all the insiders knew, was Franklin D. Roosevelt's first choice as a running-mate. He had been FDR's first choice in 1940 as

well, but this time the pressure was stronger. Lurking in the backs of many minds — perhaps in the President's own — was a vague presentiment of some such tragedy as occurred on April 12; as the talk went, "the Democrats are nominating two Presidents."

But Douglas would listen to no such talk and he would not be a candidate. He rated the Supreme Court as more important than the Vice-Presidency and said so. Weeks before the Convention he took himself off, as he does every summer, to his remote fishing cabin in the Wallowa Mountains of Oregon. He left behind with his close friend, the late Senator Maloney of Connecticut, strict instructions to keep his name off the floor of the Convention and a power of attorney to withdraw his name if some overzealous backer should propose it.

Despite his desires and instructions, Douglas might well have been drafted for the ticket — at the personal plea of the late President — had it not been for Hannegan and Hillman.

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And Douglas may yet enter the White House — under his own steam — in 1949 or 1953.

For a growing group who know the man — a group now centered in Washington and the Far West but spreading throughout the nation — have long regarded him as prime Presidential timber. A newspaper man has called him “the kind of fellow that most politicians’ press agents wish their politicians were.” Why?

In part this is the result of his homespun background and his fabulous rise from rags to fame. Americans love the sort of success story which takes a poor preacher’s son from a country town to New York, riding blind baggage part of the way, in search of a legal education — and then, sixteen short years after he arrives in Manhattan with a two-week beard and six cents in his pocket, has him appointed to the Supreme Court at the age of forty, the youngest Justice in more than a century. That, in brief, is Douglas’s story.

In part, Douglas’s political appeal is due to the way he looks and talks and behaves. Six feet of lanky, gangling frame, topped by an untamed cow-lick; a tough but expressive mouth that moves with his mind; direct blue-gray eyes that can turn from stone-cold to merry; a raw and rough-cut air which has no polish or pose or pretension. He looks like a man you can trust and like a dangerous enemy. Straightforwardness and simplicity are written all over him.

Simplicity also marks his language;

his words are short, salty, often profane, and they come out dry. He has no truck with smoothness or suavity or studied generalities. His Sunday laugh is a guffaw. Equally informal is his manner; he can act like a Supreme Court Justice when he has to, but he resents being treated like one. It is of the essence of his personality that everyone who knows him, even slightly, automatically calls him Bill.

II

His detractors in Washington — and there are many in the soft and social liberal set — may snicker among themselves at his mail-order suits, at his Western hat worn to formal functions, or even at the plain, forthright and non-selfconsciously-literary style in which he words his judicial opinions. What they can’t quite laugh off, try as they may, is the simple and central fact that Douglas is, in every sense of the word, a *man*.

He proved this to the hilt during his fighting chairmanship of the SEC, where his bitterest enemies in financial circles soon came to respect his ability, his integrity and courage. He took on that holy of Wall Street holies, the New York Stock Exchange, and forced it to transform itself from a “private gambling club” into a semi-public institution. During this battle, the Exchange’s entrenched Old Guard tried to call what they thought was Douglas’s bluff. Failing, they greatly feared he would take over the Exchange in the name of the government.

"When you do," said their spokesman, a trifle haughtily, "don't forget we've been running the Exchange for 150 years. There may be a few things we can tell you."

"Thanks," replied Douglas. "There's just one thing we'd like very much to know. Where do you keep the pencils and paper?"

The remark was neither bravado nor wild-eyed business baiting. Babson's "95 per cent Republican" *Reports* were urging at the time that clients "get behind William O. Douglas. He is fighting for legitimate investors." And Douglas, though he had no desire to take over the Exchange, was fully prepared to run it if he had to.

He was that sort of executive. He never bluffed; he never moved until fortified with sufficient facts, information and knowledge to follow all the way through to the finish.

It is his record, as head of the SEC, of hitting hard and clean and always dead on the mark that leads many to rate Douglas as the finest administrator the New Deal produced. Without disparaging his work on the Court, they have hated to see his executive talent lie fallow. During the war, they strongly pushed his appointment as WPB head, as manpower director, as Secretary of War, as Federal Loan Administrator, as economic stabilizer — only to see each suggestion squelched by the jealous "palace guard" that used to surround FDR at the White House. Immediately after Roosevelt's death,

the move to get Douglas back into an executive post mounted in intensity, spurred by what seemed to some an obligation on Truman's part because of FDR's note to the 1944 Convention. But with the war over, Douglas is less likely to join the Truman Administration. The loss will be Truman's — and the nation's.

Above and beyond the political appeal that lies in his personality, his rapid rise and his executive skill, Douglas looms as the man who might best consolidate the unquestioned achievements of the New Deal with a progressive expanding capitalism, free of unnecessary state controls. Despite his absolute personal loyalty to FDR — whom he called "the Boss" and against whom he would never utter a word — his very silence often betrayed his acute discomfort at certain Roosevelt policies and personnel; he used to deplore, without naming any names, "the incompetent, the tired and the ill-concealed agents of special interests."

He is forever coupling the words "democracy" and "capitalism" together. His book, *Democracy and Finance*, for instance, concludes with a plea for the "strengthening and invigoration of both capitalism and democracy."

At his first press conference as SEC chairman, he stuck his feet on the desk and supposed the reporters would like to know "what kind of a bird I am." "I'm a pretty conservative sort of fellow from the old school, perhaps a school too old to be remembered.

... I'm the kind of conservative who can't get away from the idea that simple honesty ought to prevail in the financial world."

It is revealing, too, that Douglas has always been regarded somewhat askance by the four big self-seeking power groups that have long dominated the Democratic Party. The Southern Tories find him too liberal for their liking. The Northern bosses, like Ed Flynn, find him too honest for their liking. The labor politicians, of the Sidney Hillman stripe, blanch at Douglas's independence and his imperviousness to pressure (though Douglas counts Philip Murray and Walter Reuther among his friends). The old palace guard, from Harry Hopkins and Felix Frankfurter on down, used to squirm at his uncompromising toughness and his utter contempt for the toadying technique.

That still leaves Douglas with a wealth of supporters — of every political hue. They range all the way from such ranking New Dealers as Justice Hugo Black, ex-trust-buster Thurman Arnold, Secretary of the Navy James Forrestal, Secretary of the Interior Harold L. Ickes, through mugwumps like Senator Bob La Follette, to out-and-out Republicans, mostly from the West. (The late Senator Borah, Idaho Republican, clinched the naming of Douglas to the Supreme Court; the late Senator McNary, once Wendell Willkie's running-mate, read into the Congressional Record a strong plea for Douglas's appointment to some top war job.)

If anything sets the friends of Douglas apart, it is a mutual independence of thought, regardless of party labels. High and low alike, they all see in Douglas a fighting liberal with his feet on American ground. They see too few like him in public life today. They would like to see his success story carry him one step farther.

III

That story, which makes kid stuff out of Horatio Alger's best, begins in the village of Maine, Otter Tail County, Minnesota, on October 16, 1898. Douglas's father, a horse-and-buggy "home missionary" of Scotch descent, happened to be doing his Presbyterian preaching there at the time. Six years later, the itinerant Reverend Douglas happened to be preaching in the state of Washington when he died, leaving a wife, three children, and \$1,800 in insurance.

Bill, then small and wiry and known as "Peanuts," grew up in Yakima. Eventually he worked his way through Whitman College in Walla Walla, where he lived in a tent on the campus, washing his own clothes and cooking his own meals — and from which he was graduated, Phi Beta Kappa, in 1920 after an interlude as an Army sergeant. During those years, in order to help support himself and his family, he had held the following jobs: newsboy, junk collector, iceman, window washer, wheat harvester, berry picker, jew-

elry clerk, janitor, logger, sheep-herder, hash-house waiter — all before he was twenty-one.

For a couple of years he taught at Yakima High School, and a fellow teacher, pretty Mildred Riddle, is now Mrs. Justice Douglas. Then in 1922 he left Yakima for good, nursing a carload of sheep, destined to ride part way as the railroad's uninvited guest, and headed for Columbia Law School. But Yakima did not forget him. When Douglas became a New Deal power, the rock-ribbed Yakima *Republic* — which "Peanuts" had once tossed onto front stoops — ran an editorial entitled "Yakima Not To Blame."

Arriving in New York by coach on the last of his cash — after having jumped off a freight-car in the Chicago yards an inch from a steel signal post which could have killed him — Douglas was almost tossed out of his fraternity house as a bum. Soon after, he was locked out of the room where he lived, for non-payment of rent, and he was about to be thrown out of Columbia for his debts. Then his luck turned. Though a first-year law student, he brashly undertook to prepare a correspondence-school course in law, finished it in six weeks, and pocketed \$600. Tutoring jobs and others followed. "I got a lot of dumb birds into Princeton," he recalls.

In 1925 he graduated, second in his class. Considerably farther down in that class was a fellow who, some years later, tried in vain to get Douglas to found a law firm with him; the fel-

low's name was Thomas E. Dewey. Their law school dean left Columbia shortly before them to take a Federal job, and Douglas sees more of him today than he used to then — for he is now Chief Justice Harlan F. Stone.

As a clerk in the famous Wall Street law firm of Cravath, Etc., Etc., Douglas for two years steeped himself in the complications of corporate finance and taught law at Columbia on the side. He quit Cravath for full-time teaching; he quit Columbia in protest when Nicholas Murray Butler high-handedly foisted a new dean on the Law School without consulting the faculty. He was not long out of a job.

Equally precocious Robert M. Hutchins, then dean of Yale Law School though still in his twenties, grabbed Douglas for Yale. By 1930, Douglas, just five years out of law school himself, was Sterling Professor of Law at Yale and in a position to decline a \$20,000-a-year offer from his friend Hutchins who, as new president of the University of Chicago, was publicly calling Douglas "the nation's outstanding law teacher" and trying desperately to lure him West.

At Yale, Douglas revolutionized the field of corporation law. He did it, by teaching his students how corporations worked — how they were formed, financed, managed, merged, reorganized, occasionally dissolved — instead of confining himself to what judges said about them in legal cases. In the face of mutual Ivy League misgivings, he put through a joint Harvard-Yale

course in business law, with professors exchanged and with students dividing their time between the Yale Law School and the Harvard Business School. He was known as the dynamo and also the diplomat of the Yale law faculty; just before his Supreme Court appointment, liberal and conservative professors joined in offering him the deanship unanimously.

But Douglas, by then, was in public life to stay. Strangely, he undertook his first Federal job — a study of business bankruptcies — for President Hoover soon after he went to Yale. Then in 1934, the fledgling SEC asked him to head an investigation of corporate reorganizations. Teaching all the while, commuting between New Haven and Washington, he turned out a report so thorough in its analysis of financial and legal skulduggery that he was rewarded with an SEC commissionership.

Before long he had made his truculent speech to New York's banker-stuffed Bond Club whose members, according to *Time*, were "shocked into a state of profound grumpiness" by Douglas's frank references to "corporate kidnapping" and to certain age-hallowed practices as "of unestablished value to anyone except the banker." But Congress was sufficiently impressed by his grasp of financial facts to revise large chunks of Federal law in accord with his recommendations — and to applaud his 1937 promotion to the SEC chairmanship.

In a tough spot as the New Deal's

"clean-up batter" after a couple of luke-warm regulatory régimes, Douglas not only brought the reluctant Stock Exchange to heel but handled with deft efficiency the dynamite-laden "death sentence" of the Utility Holding Company Act. Left pretty much on his own, he remarked at one point: "It's goddamned lonely in the front-line trenches these days."

No power-hungry bureaucrat, Douglas begged the President not to give his Commission any additional duties. "If you do," he said, "I'll not be running it. I'll just be signing mail."

Soon Douglas's shipshape SEC was held in higher respect than any other alphabetical agency. And when a grateful President, in 1939, named its youthful chairman to Justice Brandeis's post on the Supreme Court, scarcely a voice was raised in protest. Senate confirmation was quick and well-nigh unanimous. Said Justice Brandeis, twice Douglas's age, "I wanted you to be here in my place."

As Brandeis teamed with Holmes at the dissenting left of the old Court, so Douglas has teamed with Black at the left of the new Court. Nor is this because Black and Douglas are essentially more radical than their New Deal brethren. It is rather because Black, with his legislative background, and Douglas, with his administrative background, are inclined to respect the decisions of the other two great branches of government — whereas certain of their colleagues are not so reluctant to take all government matters into their own judicial hands.

But Douglas is not one who is willing to duck what he sees as the Court's job. "We should not pass on to Congress," he said in a recent dissent, "the duty to remove the private perquisites which we have engrafted on the patent laws. This Court was responsible for their creation. This Court should take the responsibility for their removal."

Like Brandeis before him, Douglas is the Court's financial expert. No high or fancy finance can fool him when he is out to guard the interests of small investors. Like Brandeis, too, he puts his heart behind the anti-trust laws; he hates to see small businesses swallowed up or driven to the wall. "When a nation of shop-keepers," he has said, "is transformed into a nation of clerks, enormous spiritual sacrifices are made."

Also like Brandeis, Douglas is a doughty defender of civil liberties; only in their behalf would he have the Court interfere with legislative or administrative discretion. When California passed a law to try to keep the Okies out, Douglas — who had worked beside the Okies in his youth — did not think the Court opinion blasted the statute strongly enough. In a separate opinion, he spoke his wholehearted outrage at a law which "would prevent a citizen because he was poor from ever seeking new horizons in other states."

Doubtless, he had in mind an impoverished citizen who had entrained for New York aboard a freight-car, just about twenty years before.

IV

One of Douglas's favorite stories concerns the Indian who wanted to borrow \$1,000 from a Western bank. The bank refused to make the loan until the Indian had turned over twenty ponies as collateral.

"Later," as Douglas tells it, "the Indian struck it rich. He came in with his huge bank-roll, peeled off a \$1,000 bill, paid the loan, and retrieved his ponies. The banker, seeing the large bank-roll, suggested that the Indian deposit the money in his bank.

"'How many ponies *you* got?' asked the Indian."

The tale reflects Douglas's deep feeling for the economic little fellow. Once more, he is Brandeis's heir in his dislike of bigness. Not that he would turn the economic clock back. "The railroads, the phone company, the big automobile plants and all such have to stay big. Technology dictates that." But where there exists no technological reason for bigness, where its purpose is only to concentrate in a few hands financial control of an industry, Douglas is an ardent trust-buster.

"Why not shake free enterprise loose from monopolistic controls and patent controls, and see what it can really do? If we will only break monopoly's death grip on our technological skills, America's new horizons will be unlimited."

The NRA school of thought which would leave business big, and then regulate it strictly, holds little appeal

for Douglas. Where, as with public utilities, regulation can't be avoided, "government should keep the shotgun behind the door, loaded, well-oiled, cleaned, ready for use, but with the hope it would never have to be used." More than that, as he once told the Stock Exchange, government should offer regulated business "a police escort."

But Douglas sees long-term government regulation of anything as doomed to a lingering death. "The regulated groups tend to take over their regulators. If it were not, of course, impractical, every regulatory bureau ought to be abolished after ten years of life and some new machinery set up in its place."

His distaste for bigness carries beyond the business realm. Despite his practically 100 per cent pro-labor record on the Supreme Court, he knows the necessity of seeing to it that big unions are democratically run. "With any position of power goes a tremendous responsibility. An increasing number of labor leaders sense that responsibility. If some have transgressed, that does not excuse the wholesale denouncing of trade unionism; for American labor has only recently come of age. Industry, remember, once had its robber barons."

Douglas thinks government also can get too big; and he set some sort of record for administrative abnegation when he asked the President not to increase the powers of his SEC. "Bigness," he explained, "taxes the ability to manage intelligently." And

again: "One man can do only so much in one day. Then he gets sleepy."

Hence, Douglas is strong for decentralization of government. Just as he hates to see the nation's financial life directed by remote control from New York (he has backed regional banking and has urged the South to cut its strings to Wall Street), so he hates to see all the nation's government problems handled by remote control from Washington. No "states' rights" man, he is rather for the establishment of regional authorities somewhat along the line of the TVA.

He would like, for instance, to turn over control and development of the Columbia and Snake Rivers — for power and new industries, irrigation and farming — to the people of the four Northwestern states. "Don't have them lean on Washington. Don't have them run by Washington. Give the people on the spot the responsibility. Give them a stake in what they're doing."

But Douglas does not think Washington can duck the big postwar problem of helping create 60,000,000 jobs. Subsidize private industry where necessary. "It's in the strong tradition of the country," he says, citing the railroads with their government grants and the auto industry with its government-built highways. "And let government itself — and not just the Federal government — utilize any neglected social assets or natural resources. One way or another, the thing has got to be done."

Paying for it is another matter,

though Douglas believes that, handled right, the jobs might soon come to pay for themselves. Meanwhile, Douglas — no friend of deficit financing — prefers taxes to borrowing, up to the point of diminishing returns. “In a democracy, that is a good way to keep people aware of their government.”

On the foreign front, Douglas was speaking for the Roosevelt international policies well before Pearl Harbor. Today, he sees a formal world organization as essential to the keeping of the peace. “Or else we will drift into a more intense nationalism, built on color lines and doubly dangerous.”

“The United States,” he said at another time, “can no longer afford to remain silent in the face of the crushing of a segment of humanity anywhere on earth. A cancer in any part of the world — political, social, or economic — is a potential threat to our own standard of living, our own peace. We must throw our weight and our influence for the democratic side.” But he warned: “As a nation, we are just not built for the cozy game of power politics. It is not in character for our people.”

Douglas envisions America's best and biggest contribution to the post-war world as what he calls “the exporting of brains.” “As our public health missions once carried a message of help, not exploitation, to the peoples of Asia and Africa, so our scholars should go with their learning and our scientists and technicians with their skills and their know-how — in farming, engineering, industry. It is not

charity those people need, not the pouring out of money; it is education and encouragement to utilize what they have. The greatest thing that anyone can do for someone else is not to *give* him something but to show him how to get something *on his own*.”

In line with these ideas, Douglas is an enthusiastic backer of Dr. Y. P. “Jimmy” Yen's Chinese Mass Education Movement which, even during wartime, went sensationally about the business of carrying teaching down to the grass-roots. A member of Yen's international board of directors, he hopes to see the Movement spread to take in every “backward” section of the globe, from India to Africa to parts of Latin America.

Douglas's deep interest in China — stemming originally from the fact that his West Coast naturally looks to the Pacific — has led him, with his son, to start learning to read, write and speak Chinese. “We must bridge the gap between the two cultures,” he says, “because we are going to be living so close to each other.”

Moreover, he sees in China a sort of new frontier — a vast and almost virgin field for the development of electric power, of scientific farming, of every sort of industry. And he has long seen it, too, as a potential world danger spot, as well as “the world's greatest sweat-shop,” if it is not helped to develop and help itself.

“We cannot force democracy on other peoples anywhere. We can only teach it by our example. But democracy cannot thrive where there is

starvation and need. And so we must help raise world standards of living before we will find the world accepting our democratic philosophy."

Nor is Douglas particularly bothered by what he once called "the specter of Socialism." Certainly not in the United States. "We can only get Socialism if we prove we don't deserve something better. If the Russians

want Communism, let them have it. It would never fit the native genius of this country."

"The average American," he added, "is an independent, rough and ready kind of fellow who wants to take a swing on his own."

Which might serve as a good description of Supreme Court Justice Bill Douglas — a man to keep an eye on.



OVER THE LINE

BY ROBERT P. TRISTRAM COFFIN

TREES remember if a man forgets
When the blond father of the corn goes south
Over the Line, the gales come out of hiding
With the year's leaves and whitecaps in their mouth.

The little mice remember and are shaken
In their sage galleries of etched earth and straw,
Birds solitary throng into high nations,
Turn their beaks south before inexorable law.

The farmer in his bed, deep in his dreaming,
Feels the sun slip to the under hemisphere,
Cries his deep cry, though he knows not he cries it,
Hail and farewell to the green half of the year.

Hail and farewell! Bold death comes red and golden,
On the north sides of all things lies the frost,
And fumbling fingers at the stove and hearth-stones
Kindle thin suns in place of the lovely lost.