

South Dakota Newspapers #63  
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"We the People"  
November 15, 2023

"Justice William O. Douglas: Horatio Alger of the  
Supreme Court"

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William O. Douglas, the longest serving Supreme Court Justice in American history (1939-1975), whose outsized life on and off the bench required two autobiographical volumes and inspired both devoted followers and passionate detractors, was at the center of the Court's most important 20<sup>th</sup> Century rulings. President Franklin D. Roosevelt might have expected as much when he nominated Douglas, just 40 years old, to replace Justice Louis Brandeis, who was forced by a heart attack to leave the Judicial Palace. At the time of his appointment, Douglas had been an eminent law professor at Columbia and Yale and was at the forefront of important national reforms in the world of law, business, regulation, and the Security and Exchange Commission, where he served as its third chairman.

Roosevelt had eminently good reasons for naming Douglas to the Court. Once seated, Douglas proceeded to influence the direction of the Court for the next 36 years. Anyone serving for so many years in a period that ran from FDR and the heels of the Great Depression, through difficult challenges and cases in the Second World War, through leadership in battling racism and promoting the sea changes in equal protection, through the trauma of McCarthyism and the tumult of the Vietnam War and the 1960s, into the battles for press freedom and the Nixon Presidency, is bound to stir controversy. Douglas did.

To his legion of supporters, Douglas was a Justice committed to democracy and individual liberty, to a galaxy of freedoms—speech, press, and privacy—that defined a free people and a free nation. A true believer in democracy, Douglas perceived freedom of speech as “the glory of our government.” He was profoundly committed to the right of the people to hear all the evidence before selecting our nation’s leaders. As his career progressed, Justice Douglas came to embrace a Jeffersonian theory of natural rights. He wrote, “The rights of men are inalienable.” They inhere, he wrote, “because of the divine spark in every human being.”

To his detractors, Douglas was a judicial activist who shunned the duty of craftsmanship and close reasoning in writing opinions. His opinions, they said, resembled hastily written notes on cocktail napkins, reflective of his desire to move to the next project, whether it was a lecture, a book or national and international travel. He was a maverick and led an unconventional lifestyle, marrying his fourth wife when he was 66 and she was 22. In April 1970, President Richard Nixon persuaded then House Minority Leader Gerald R. Ford to commence impeachment proceedings against Douglas, the first Justice since Samuel Chase in 1804 to be threatened with removal. The effort against Douglas was defeated in the House Judiciary Committee.

What is most fascinating about William O. Douglas was the fact that he was the Court’s Horatio Alger. As such, his meteoric rise from poverty and illness to elevated stations in the politics, jurisprudence, and life of the nation, punctuated by his appointment to the High Bench at the tender age of 40, was altogether improbable.

Douglas was born in 1898, in Maine, Minnesota, but spent his childhood in Yakima, Washington. His father, a Presbyterian minister, died when Douglas was six years old, leaving his family penniless. His early life was a struggle against poverty and polio, shadowed by a lonely, widowed mother who frequently reminded young William that he would never become the man that his father was.

Douglas was told by doctors that he would never walk again. But he looked to the surrounding Cascade foothills as a therapeutic remedy. He began with baby steps which, in time, led to solitary hikes and, with years of work, a granite-hewed physique that seemed, decades later, out of place in courtrooms filled with attorneys who knew their way around buffets and bars. Douglas said that his long hikes in the Cascades instilled in him a love for the outdoors and the environment, which he championed to the end of his life, plus a deep-seated affection for solitude.

Douglas worked his way through Whitman College, taking jobs as he could find them. His impoverished circumstances forced him, as a student, to live in a tent for at least a year. Following graduation from Whitman in 1920, he taught school for two years and then, with six cents to his name, he "hopped a freight train and rode east," with the intention of enrolling in Columbia Law School in New York City.

The long train ride, Douglas explained in an autobiography, was a life-changing experience, one that shaped his view about the law and law enforcement. He wrote about the fear that he felt when he witnessed "rail-yard bulls"—railroad security agents and police officers—yank hobos from the trains, beat them mercilessly, and take their meager belongings.

Douglas, blessed with a photographic memory and recognized by law faculty members at Columbia as brilliant, graduated near the top of his class, supporting himself through tutoring opportunities and various odd jobs. He observed that his work schedule, from morning to night, left little time for school and study, which meant he "took education on the run."

How a person in Douglas's shoes could emerge as a candidate for one of the nation's highest positions is a fascinating story, which we continue next week.

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