

¶A mere law professor with only
2 years of practice, but—

THE YOUNGEST MEMBER OF THE U. S. SUPREME COURT

WILLIAM ORVILLE DOUGLAS is a rangy, steely-eyed young Westerner who likes to put his feet on his desk and puff on a cigarette while he delivers salty and sometimes sulphurous comment on the habits and predilections of the nation's mighty men of finance. There is something reminiscent of a grown-up Huckleberry Finn or a Tom Sawyer in his appearance and manner. Yet at the judicially tender age of 40 he has been called upon to assume the somber robes and solemn dignity of an associate justice of the highest court in the land, the Supreme Court of the United States.

However, Bill Douglas does not come unprepared to this high honor and grave responsibility. For while he may have little of the pectoral padding, either physically or in time-won public honors, generally looked upon as necessary for elevation to such a post, he has convinced his elders in many walks of life that the position befits him.

He has had no judicial experience, although the Securities and Exchange Commission, of

which he has been a member for the past three years, performs semi-judicial functions. According to the record, he has had only two years of private practice as a lawyer. But he knows his law. As Sterling Professor of Law at Yale he was acclaimed "the nation's outstanding law professor." His studies of bankruptcy and corporate reorganization have been profound, although decidedly readable. And he has shown Wall Street that he knows law, finance, and ethics.

Like Justice Louis D. Brandeis, whose place on the Supreme Court he is scheduled to take, Mr. Douglas for years has been preoccupied with the legal aspects of finance. Also like Brandeis Mr. Douglas abhors bigness in industry. Only last February he said:

"The convenient and impersonalized use of the corporate device has unquestionably contributed to moral decadence. This has especially been true with the growth of bigness. The fact that railroads or banks or operating utilities lie somewhere deep underneath the cor-

porate maze becomes incidental. Values become translated. Service to human beings becomes subordinated to profits for manipulators. The stage setting is perfect for the disappearance of moral values."

Thus is expressed the viewpoint of a man who honestly believes in moral values and who insists that the law should be more than a maze of technicalities. His conception of justice conforms with the New Deal concept of what makes a good judge. That concept is that the law is, or should be a growing and progressive instrument of society and not a static entity. But it is a concept to which teachers and students of law generally give more attention than the attorney in private practice and the usual occupant of the bench.

"Administrative government," he has said, "is here to stay. It is democracy's way of dealing with the over-complicated social and economic problems of today. . . . It is already clear that if these administrative powers are to be exercised sparingly, enlightened business need only take the lead. And if these powers are to be exercised wisely, business must work at the round table rather than in the courts."

Son of an itinerant Scotch Presbyterian minister, he was born in the village of Maine,

Minn. Maine is in the upland grain area of the near Northwest, less than fifty miles from Sauk Center, which was the scene of Sinclair Lewis's "Main Street." His father died when he was 6, and the family never knew abundance. The Douglases moved to Yakima, Washington, and there young Bill sold newspapers, dealt in junk, and did any kind of odd job to help out. There he worked his way through grammar school and through high school.

In the Summers he worked in the fields, did anything to earn a few dollars—once he even served for a time as a spieler for a patent medicine show, and he can still go through his routine with all the medicine show hoop-la. It was an invaluable experience, he insists. He learned about people, learned how they reacted to the phoney forensics. Some brokers, he once said, use the same tactics as the medicine-show fakers.

He worked his way through Whitman College and emerged in 1920 with an A. B. and a Phi Beta Kappa key. Then he taught in the Yakima high school, where he met the present Mrs. Douglas. By 1922 he had saved \$500 with which to come East and study law. Hoping to increase his stake, he invested it in an insurance venture—and learned something about

"investment." He lost the whole stake.

Undismayed, he came East anyway, chaperoning a train-load of cattle as far as Chicago, going on to New York in a day coach. He arrived in New York with \$6 in his pocket, enrolled at Columbia Law School and looked around for a job.

Professors at Columbia remember Mr. Douglas during that first year as a half-starved young man who was always on the go from class to job or job to class. At one time he was tided over a particularly trying time by a commission to write a correspondence course in law. He did it and got \$600 for the job. At another time he answered an "ad" for an elocution teacher, brazenly offered himself as an expert from "The Douglas School," and taught the woman who had advertised everything he knew about public speaking, and polished off the feat by presenting her with an elaborate "diploma."

In his second year, Professor Underhill Moore broke all precedent and made him an undergraduate research assistant. Meanwhile, Bill Douglas had married Mildred Riddle, the girl from Yakima High School. He was sure the future looked good.

He got his law degree in 1925 and spent two years with the

New York firm of Cravath, De Gersdorff, Swaine & Wood, with a Columbia law lectureship on the side. In 1927 he went to the Yale Law School as a professor and by 1932 had become Sterling Professor of Law there.

Meanwhile, he had worked with the Department of Commerce on bankruptcy studies, first under Herbert Hoover's administration. That government connection continued, and Joseph P. Kennedy, now Ambassador to Great Britain, is generally credited with putting him to work in the Securities and Exchange Commission.

Mr. Douglas is a man of endless energy. He enjoys work almost as he enjoys life, and life is a very interesting experience for him. In years and in viewpoint he may be comparatively young, but in experience he is a veteran. He was doing a man's work before he was 15 and by the time he was in college he knew what made the world go round and what manner of people lived in this world. By force of necessity, he early became a pragmatist—theories were splendid, but would they work? And he carried that approach to the law. He still has it, intensely.

But he never succumbed to the belief that life was too serious for a man to have a good

time. He thoroughly enjoys a joke. Robert Hutchins, who took him to the Yale Law School, tells how he—Hutchins—was sitting in one of New York's most exclusive clubs talking with a trustee of the university when Douglas leaped over the high fence, climbed in the window, and joined the talk, to the consternation of the dignified trustee.

He plays an enthusiastic bridge game, likes poker, and goes in for golf with abandon. His golf score is in the 120's. When someone chided him about his score he grinned and exclaimed, "Hell! I play this game for fun!"

Tall and almost gangling, he has the hunched shoulders of an old-time cowpuncher. His

clothes are good but carelessly worn. He talks with gestures and can dramatize a story in masterly fashion. His steely gray eyes usually twinkle, but when he gets mad they darken and glow. And at such times his vigor of speech is amazing.

Will Mr. Douglas make a good Supreme Court Justice? Karl Llewellyn, Professor of Jurisprudence at Columbia, remarks that the new justice will be the first on the bench who was schooled in the modern approach to the law—the human approach. Professor Llewellyn says that, while others have had that point of view, it never became a part of their blood and bone. It was bred into Douglas.

—*Frederick R. Barkley, condensed from The New York Times Magazine.*