



Dear Mr. Douglas
Letters and Poems discovering
the life of William O. Douglas

Edited by Douglas P. Johnson

With Students at A.C. Davis High School, Yakima, WA

[excerpts]

MEMORIES

*Carl Clark- retired journalist
Greenville, South Carolina*

Here are some of my memories of Justice Douglas:

I first became acquainted with him when in the early 50's; I was a student at Whitman College and roomed with his son, Bill, Jr. (We called him Pete) Pete's father would come around from time to time and I'd get to have dinner with them, or some such, and I wasn't really aware of who he was or how important he was. Just my friend's daddy. As a vote of confidence and just for the heck of it, I guess, The Justice bought Pete a 1952 MG TD. It was something pretty special and, on some occasions, I would trade him my old Chevy for a date because the Chevy had a bench seat and the MG had buckets and, well, how romantic can you get with bucket seats? Pete was an interesting young man then who never was comfortable with the celebrity surrounding his father. Pete died a few years ago when a car on which he was working fell and crushed him. He would have been 72 or so today.

In 1969 I relocated to the Tri Cities and then to Yakima as News Director/Anchor/Reporter for KNDO-TV. Friend of mine who worked at the airport control tower would call me when the Justice came in on a plane, and I'd run out and do a quick interview with him at the airport about whatever was topical at the time. Even though I was a pretty lowly reporter, he always seemed glad to see me and didn't mind spending a little time.

In 1973 I started doing the news for KMWX radio (when it did news) and just about based my career on him. He delivered several decisions from his home in Goose Prairie and I'd run up there, poke a microphone at him and get a sound bite, or two, and hurry back to town to get it on the air. KMWX was an NBC affiliate at the time and I'd send those audio clips back to New York where they were eagerly received. On a couple of occasions, the Justice came down to Yakima to hear evidence at the Federal court house there and all of us would gather in the courtroom to watch and listen. An impressive event for a small town reporter, believe me, partly because of who he was and partly because, on some occasions, the national media would be there, too.

My father and mother retired to a home in Cliff Dell and they saw Douglas frequently. In fact, my father had the last telephone up that way (I don't believe it's changed much and there is no cell phone service there or further up toward Goose Prairie.) and sometimes the Justice would come to my father's house to use the phone. I gathered he did that only on important occasions.... delivering decisions, perhaps.... but no one really knew, because my parents would vacate the premises during those visits. (Wouldn't you love to have a tape recording of some of those calls?) Douglas, his wife and my parents dined (if that's the proper word) every so often at (then) Will-Lee's Cafe in Goose prairie.

It was during the time that I worked at KMWX that he had a stroke and that certainly was the end of any radio interviews. I did approach him (actually his son) about interviewing him for Playboy Magazine and we had it all set up.

Playboy was excited and sent me tons of background information and eagerly looked forward to hearing about him. Unfortunately, he decided that he didn't want to expose himself (particularly in his current state) and the interview fell through. That was near the end of my contact with him, of course.

He was just about the most unassuming and unpretentious person I've met, when he had every right to be just the opposite. He spoke softly, listened intently to everyone about everything and never, ever put on any airs about being important. When he spoke, it was direct and to the point and he had a voracious appetite for everything going on around him. He told me once that it is absolutely impossible to know everything that's going on, to read every magazine and newspaper and listen to or watch every news program. He came pretty close, 'though. You didn't have to be a scholar yourself to recognize the brilliance of his mind and how little encumbered it was trivia. It was like an acetylene torch...piercing and focused, and he had that rare gift of making others feel important even though most of us weren't.

I'll probably think of some other things but here are two more: Of all his books, I like *Of Men and Mountains* best, partly because he spoke of the mountains I love and partly, perhaps, because he mentions my father in there. Also, he drove the most nondescript car you may imagine.... and old tan Dodge Dart four doors that were just as unpretentious as he was and one that let him blend into the environment just as he did as an individual. Seeing him on the street or at Will-Lee's you never would know he was the most important man ever to come out of Yakima.

I hope some of this is helpful.

Regards,
Carl Clark

LETTERS

“Unless the horizons are unlimited, we risk being governed by a set of prejudice of a bygone day. If we are restricted in art, religion, economics, political theory, or any other great field of knowledge we may become victims of conformity in an age where salvation can be won only by nonconformity.”

- W. O. Douglas

Dear Mr. Douglas,

I was wondering that if you think 9-11 was an act of freedom of religion? Do you think that we could have settled this by not going to war? I don't know why people are saying that it was not an act of religion. What else could it be about?

Do you think it was based on religion?

I believe that 9-11 was based on freedom of religion. In my debate I gathered many facts or hints that would give me this conclusion. In a quote it reads, "One man's terrorist is another man's freedom fighter." Also, the definition of terrorism is that it is usually drug or religion based. Now why would America call it terrorism if it wasn't about religion? Don't you think there should be another name for it?

Well during this week, I have learned that acts of terrorism aren't just based on that they want to do it for fun. They do it for a reason. In my eyes and what I've learned it was an act of religion. Also, I have learned kind of what it's like to be a lawyer- to defend something with proven fact even if you don't agree. Well, thank you for writing.

Sincerely,
Tina

Dear Mr. Douglas,

What is your definition of Freedom of Religion? Do you classify the events of 9-11 as Freedom of Religion? If so, why? I believe that the events of 9-11 weren't Freedom of Religion. They were just acts of terrorism. They didn't even ask respect for their religion before 9-11. Their religion was not disrespected by the innocent people that died in the planes and towers. That was not an attempt to convert people to their religion. Therefore, it can't be classified as part of a Holy War. I have learned that Freedom of Religion is present in the United States. I've also learned that in many other countries the people do not have the option of choosing their own religion.

Julio

Dear Mr. Douglas,

I'm writing you this letter to tell you a little about our class. In our class we had a debate on the 9-11 tragedy. We divided the class into four groups and half the class debated on yes the 9-11 was based on religion and the other half was no it was not based on religion. In our class we also took a walk in your honor. We did it to learn more about you and to know where you grew up and where you lived and how your life was. The walk was a good experience and something that I enjoyed.

We are reading a book called The Scarlet Letter. It is about a lady whose crime committing adultery. This happened in the 1600's. The punishment for that was to put her in the middle of the crowd and throw big rocks at her until she dies. The punishment was different for her. They locked her up and she gave birth to

her child there. They called the lady a hussy- as they called all the ladies there who committed adultery. They put an A on her dress so that she could always remember her crime and everyone could know what she was. It was also placed there so that she would be ashamed of herself and embarrassed. She had no rights for what she committed.

Being a lawyer is good. You are looked up to because you're the one who helps people. You defend their rights. Mr. Douglas, some questions from me would be if you enjoyed your job? If you could change something from the rules, what would it be? Why did you choose to become a lawyer? What were some of your favorite things from your job? These are some things I would like to know about being a lawyer.

Well, Mr. Douglas, thank you for your time. I hope you enjoyed my letter and it made you think a little on the questions. I hope you can make the time to answer these questions for me. Thanks again. I look forward to hearing from you.

Sincerely,
Mayra

Cynthia Suarez
Freshman at Whitman College where W.O. Douglas attended

Dear Students:

First of all I would like to thank you for taking the time to write letters to me. I was very excited to see something in my mail. I will try to answer most of the questions you asked me in the letters. I would like to begin by telling you a little bit about me. I came to the United States almost seven years ago. I attended Washington Middle School, Davis High School and as you know I am currently attending Whitman College. While in High School, I did not do Running Start.

I moved to Walla Walla on August 26, and began classes August 30, 2005. I am planning to major in Psychology, and hopefully also minor in Sociology. At first, I thought the work was very challenging. I am taking four classes, which are philosophy, psychology, English and Core, (Antiquity and Modernity, Core is a required course.) Since I am not taking a math or science, my classes mainly consist of heavy reading and writing every day. For this semester, I have about sixteen books for all my classes. My average paper is about four pages, typed, double-spaced. It was hard at the beginning because the professors move fast, and it was hard to keep up with the reading. It is amazing how much work we get everyday. And yes from the first day, we get a syllabus that tells us the agenda and work for the semester. That means we get homework everyday for every class. I don't think the classes are hard; it is just that you have to learn to manage your time. Classes are discussion-based which means the professors want your

opinion. The professors are really nice and are willing to help you whenever.

By the way, as previously mentioned, I have four classes. Mondays I have all of them, Tuesday, I have philosophy and psychology, Wednesday I have Core and English and they alternate like this for the rest of the week. My classes are 50 minutes long which means that except for Monday, since I have two classes each day, I go to class for about 2 hours and the rest of the day is mine. It is recommended that for every hour of class, we study two hours afterwards, but I take longer sometimes. This is one of the many things that make college different from High School.

There is so much to do here at the college everyday. Currently, I am not in any sport, but I am in a couple of clubs. For me, college is exciting and busy everyday. You get to meet people from all over the world, you get to learn and improve yourself, be part of many activities. There are just so many things you can do. You become an adult and get to make your own decisions.

At the beginning I really missed my family and I got homesick. As time went by, I began coping which made things easier for me. Plus, at college, others are very considerate and everybody is going through the same thing. The college tries hard to make you feel at home. There are so many people that can help you out and are willing to listen to you whenever. The resources around the college are great. We have a writing center, tutors, mentors; the library is open 24/7 which is very helpful. There is lots of support. I think college is a great place to be.

Now, changing the subject, many of you asked me about William O. Douglas, well this is what I know. He was born October 16, 1898 in Maine Minnesota. He died January 19, 1980. Douglas grew up in California before his family moved to Yakima. Douglas graduated from Yakima High School in 1916. Douglas was awarded a scholarship to attend Whitman College and graduated in 1920.

Douglas returned to Yakima and taught Latin and English for two years. He attended Columbia University where he received his law degree in 1925. Douglas served as an associate justice of the United States Supreme Court for more than 36 years. I always keep him in mind and his in one of my role models. He accomplished so much and went through hard times just like the rest of us. His accomplishments show that you don't have to be a genius to go to college; you need to work hard to accomplish your goals.

Well this is all I have to say for now. I hope I answered many of your questions. I really encourage you to have goals and work hard to achieve them. Education is the only way to improve yourself and have a better future. Believe in yourself and have confidence that you can make a difference.

Sincerely,
Cynthia Suarez

Stephen Wizner
Yale Law School professor

Dear Class,

Thank you for your interesting and thoughtful letters. I will try to answer your questions and respond to your opinions. First I would like to tell you a little about how William O. Douglas became a professor at Yale, and how I ended up holding the William O. Douglas Chair at Yale Law School. William O. Douglas joined the Yale Law School faculty in the fall of 1928, ten years before I was born.

Robert Maynard Hutchins, the young dean of the Yale Law School, described William O. Douglas, who was at the time teaching at the Columbia University School of Law in New York City, as "the nation's outstanding law professor."

That opinion may have been influenced by the fact that at their first meeting during the Spring of 1928 Professor Douglas and Dean Hutchins reportedly lifted their spirits together on bootleg whiskey. It was a few days after that celebratory occasion that Hutchins invited Douglas to join the Yale Law School faculty, an invitation that Douglas promptly accepted. (Douglas confirms this story in his autobiography, *Go East, Young Man- The Early Years*, Random House, Delta Edition (1974), page 163.

During the 1960's when I was a law student at the University of Chicago, and then a young government lawyer in the U.S. Department of Justice in Washington D.C., I encountered Justice Douglas, who was by then a distinguished Justice of the United States Supreme Court, through his judicial opinions. One of those opinions, which many of you mentioned in your letters was *Griswold v. Connecticut*, the 1965 Supreme Court decision that held unconstitutional a Connecticut statute which made it a crime for a woman to use birth control drugs or devices, or for others to assist her in doing so.

The Appellants in *Griswold* were the Executive Director of Planned Parenthood League of Connecticut, who happened to be the wife of the President of Yale University; and the Medical Director of Planned Parenthood, who was a licensed physician and also a professor at the Yale Medical School. Professor Thomas I. Emerson, a member of the Yale Law School faculty, who was assisted by Attorney Catherine Roraback, an alumna of the Yale Law School, represented them before the Supreme Court.

Griswold was what is referred to as a "test case". A test case is one that is brought for the purpose of challenging the constitutionality of a law. In *Griswold*, the Appellants had asked the local New Haven State's Attorney to prosecute them for violating the law so that they could present the defense that the law was unconstitutional. *Griswold* was not just a test case- it was a Yale test case. Both of the individuals prosecuted were affiliated with Yale, as was their attorney, Professor Emerson, and Professor Emerson's co-counsel, Catherine Roraback, and alumna of the Yale Law School.

In his majority opinion, Justice Douglas observed that the Connecticut anti-

conception law "operates directly on an intimate relation of husband and wife and their physician's role in one aspect of that relation." Justice Douglas went on to ask rhetorically, "Would we allow the police to search the sacred precincts of marital bedrooms for telltale signs of the use of contraceptives? The very idea is repulsive to the notions of privacy surrounding the marriage relationship."

Justice Douglas argued that the Supreme Court had recognized a constitutionally protected right to privacy, especially in relationships and personal choices made within the family, in several prior decisions. *Griswold* became the leading case supporting a constitutional right of privacy, and has been cited and relied upon in all subsequent Supreme Court decisions concerning birth control and abortion.

The Court has given *Griswold* a fairly broad reading, extending the right to family privacy articulated in *Griswold* to include the right of women, whether married or unmarried, to decide in most situations, without government interference, whether or not to bear children. In *Roe v. Wade*, the Supreme Court cited *Griswold* as precedent for its decision that women had a constitutional right to abortion. Some of you wrote that you believed that terminating a pregnancy was wrong. A few of you even said that you thought it was "murder". I do not agree with that position, although I do respect your right to hold and to advocate that view. In my opinion, the Supreme Court is correct, as a legal matter, in interpreting the Constitution to provide constitutional protection to a woman's right to choose whether or not to give birth to a child.

I do not believe that abortion is a good method of birth control. I do believe that contraception is a better method. I also believe that the "morning after" pill is a better method than abortion, but not better than contraception. But, whatever, my personal views may be, it seems right to me that a woman should have the right to choose, especially in the first trimester of pregnancy, whether or not to have a child. In the *Griswold* case, the Supreme Court reversed the decisions of the lower courts that upheld the criminal convictions of the Appellants. The Court did not return the case to the trial court for a trial *de novo* because it held that the statute under which the Appellants had been convicted was unconstitutional, and therefore they could not be prosecuted at all. Sometimes, when an appellate court reverses a verdict in a criminal or civil case, it returns the case to the trial court to be tried over again. Such a re-trial is called a trial *de novo*. *De novo* review of the facts of a case by another court means that that court is not required to accept the factual findings of the first court, but can consider the facts anew- *de novo* -, as if the previous trial had not taken place. *De novo* review of facts occurs only in a few of the many cases that are appealed.

Most of you asked how I liked occupying "the same seat as William O. Douglas" at the Yale Law School. I think that you may misunderstand what a "chair" is on a university faculty. When a professor is given a "chair", it is not an actual chair on which he or she sits. It is an honorary title given to the professor, and the people who donate the funds to establish the chair choose the name of the chair. In my case, the funds for the chair that I hold were given to Yale by the family of Gordon

Tweedy, a member of the Yale Law School class of 1932.

Mr. Tweedy was a student of Douglas at Yale, and upon graduation he went to work for Douglas as a lawyer, after Douglas left Yale to become the head of the Securities and Exchange Commission in Washington D.C. during the New Deal. Tweedy and his wife Mary maintained a lifelong friendship with Douglas. Mr. Tweedy's widow and adult children chose to honor the memory of their husband and father by donating a chair to the Yale Law School named after Mr. Tweedy's mentor and friend, William O. Douglas.

I was chosen to be the first occupant of the William O. Douglas chair by the dean of the Yale Law School, Guido Calabresi. It was the first academic chair given to a clinical law professor, which brings me to two other questions that most of you asked: Do I like being a law professor? How is it different from being a lawyer?

In order to answer your questions, I first much explain what a clinical law professor does. As a clinical law professor I teach students about the practice of law, as distinguished from the theory of law. At the Yale Law School we have a legal clinic in which law students, working under the supervision of clinical faculty who are all practicing attorneys, provide free legal services to low-income clients. In other words, we operate a legal aid office located in the Law School.

As a clinical professor my job is to select the cases that students will work on, teach the students how to represent clients in those cases, supervise the students and review their work, accompany students to court on their cases, and teach seminars for the students about law and its practice. So, as you can see, I am both a law professor and a lawyer. I enjoy my teaching and my practice, since both give me the opportunity to help my students learn to be competent, thoughtful, ethical, socially responsible lawyers.

I never met William O. Douglas personally. I have read his autobiography and a great many of his judicial opinions, so I fell that I do "know" him, as a lawyer, a teacher, a judge and a human being. It is a great honor for me to be the William O. Douglas Clinical Professor of Law.

Thank you all for writing to me. I wish you an enjoyable summer vacation, and the best of luck in your future lives. I hope that each of you finds inspiration from Justice Douglas's life to strive for excellence, overcome obstacles, do some good in the world, and achieve happiness and fulfillment in your lives.

Yours very truly,
Stephen Wizner