

100-11157-

A 163877

dossier on **DOUGLAS**

*by*

Allan C. Brownfeld

The New Majority Book Club, Inc.  
Washington, D.C.

KF8745  
D6B7  
COPY 2

**dossier on DOUGLAS.** Copyright © 1970 by Allan C. Brownfeld. Published by The New Majority Book Club, Inc., Suite 907, 1835 K St., N.W., Washington, D.C. 20006. All rights reserved. Printed in the United States of America. No part of this book may be used or reproduced in any manner whatsoever without written permission except in the case of brief quotations embodied in critical articles and reviews. For information address The New Majority Book Club, Inc., Suite 907, 1835 K St., N.W., Washington, D.C. 20006.

Library of Congress Catalog Number 71-129645

vnfeld. Pub-  
1835 K St.,  
nted in the  
used or re-  
ion except in  
and reviews.  
., Suite 907.

## Introduction

On April 21, 1970, promising "neither a whitewash nor a witch-hunt," the Judiciary Committee of the U. S. House of Representatives created a subcommittee to study impeachment charges against Justice William O. Douglas.

The call for impeachment of Justice Douglas was sounded the previous week by House Republican leader, Gerald R. Ford of Michigan. Rep. Ford accused Justice Douglas of espousing "hippie-yippie style revolution," of writing for pornographic magazines, of links to "leftist organizations," and of possible links with gamblers and underworld figures.

There were prompt and diverse reactions to Rep. Ford's proposal. His demand for a special impeachment study received the backing of fifty Republicans and a like number of Democrats, though several Republicans almost immediately took public issue with their own floor leader. Paul N. McCloskey, Jr., a California Republican, told the House that he "respectfully" disagreed with Congressman Ford's contention that "an impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history."

To accept such a view, McCloskey said, "would do grave damage to one of the most treasured cornerstones of our liberties, the constitutional principle of an independent judiciary, free not only from public passions and emotions, but also free from fear of executive or legislative disfavor."

THE LIBRARY OF THE U.S. HOUSE OF REPRESENTATIVES  
U.S. HOUSE OF REPRESENTATIVES  
CONGRESS

Many others, such as *The Nation* magazine in its editorial of April 27, 1970, expressed the view that the move against Justice Douglas was simply a political vendetta by those who were angered over the Senate's rejection of Judges Haynsworth and Carswell. *The Nation* stated: ". . . it is the cheap partisan politics behind the move that should be emphasized. . . the move has partisan politics—Nixon, Mitchell, Agnew politics—written all over it."

Others, of course, have disagreed. Rep. Jack Edwards of Alabama, in his column to constituents for April 20, 1970, stated that "The case against Justice Douglas is long and involved, running from his very politically shaded public statements to his accepting money from an individual involved in a case before the Supreme Court. . . Upon examination of all the evidence it is difficult to see how anyone can declare him still fit to serve as a member of the Supreme Court. . . If anyone is unqualified to serve on the Supreme Court due to past and present actions, it is Justice William Orville Douglas."

The Constitution provides that a Supreme Court justice shall hold office "only during good behavior" and shall be bound by "Oath or Affirmation to support this Constitution." The questions concerning Justice Douglas, those concerning the Parvin Foundation, the Ginzburg case, the Center for the Study of Democratic Institutions, and his recent volume, *Points of Rebellion* all hold open to serious consideration whether or not his behavior has, in fact, been "good." It is this question which the subcommittee headed by Congressman Emanuel Celler of New York is seeking to answer.

Many have argued that impeachment proceedings against Justice Douglas would undermine the independence of the Court. To this argument Rep. Louis Wyman, formerly Attorney General of New Hampshire and head of the National Association of Attorneys General, stated that "This process is not going to destroy the Supreme Court. Some of the more hostile recent editorials have suggested that a subcommittee investigation of these rather serious charges will destroy or undermine the Supreme Court of the United States. As a matter of fact, the contrary is true. If we did not do anything about such conduct it would go further and it would destroy confidence in the judiciary, because the activities of Justice Douglas are continuing to bring the Supreme Court into

s editorial of  
ainst Justice  
se who were  
ynsworth and  
rtisan politics  
he move has  
s--written all

Edwards of  
, 1970, stated  
and involved,  
tements to his  
ase before the  
vidence it is  
t to serve as a  
lified to serve  
as, it is Justice

t justice shall  
l be bound by  
The questions  
; the Parvin  
the Study of  
ne, *Points of*  
ether or not his  
tion which the  
Celler of New

edings against  
ce of the Court.  
orney General  
ociation of At-  
oing to destroy  
cent editorials  
of these rather  
preme Court of  
y is true. If we  
o further and it  
e the activities  
reme Court into

disrepute.”

Throughout his career William Douglas has been a highly political man. As a young member of the faculty of Yale Law School, Douglas was brought to Washington by the late Joseph Kennedy, at that time chairman of the newly established Securities and Exchange Commission. Several years later, Douglas succeeded him in that job.

Appointed to the Court in 1939 by Franklin Roosevelt, Douglas has had a stormy career. He has taken stands on many controversial political issues, he has been considered as a candidate for high national office, he has had a number of wives, and has traveled to the far corners of the world. In a full and long life, a man makes many friends as well as many enemies. In the current controversy all are having their say.

Asked about the House action, Justice Douglas, in a television interview, stated “I have done nothing in my life to worry about. I have no reaction. . . I’d prefer not to comment on it.” Responding to those who criticized his recent book, he stated that he had never “recommended, promoted, suggested violence to anybody.” He added that he planned to “just go ahead about my business. My life’s an open book.”

It is quite true that Mr. Douglas’ life is an open book. But only by examining it carefully and reviewing the charges made against him can we decide whether or not the call for impeachment is warranted.

The aim of this volume is to make that “open book” available to the public in as fair a way as possible.

Hopefully, it will succeed in that goal.

ALLAN C. BROWNFELD  
Alexandria, Virginia  
May, 1970

# Acknowledgments

I want to thank everyone who had a part in making this book possible.

I am particularly grateful to Gordon Davis and Douglas Caddy for their encouragement and editorial assistance, and to Solveig Eggerz who contributed significantly in the editorial and legal research necessary for such a volume. In fact, she is to be commended for walking through tear gas to the library of the University of Maryland one evening in April while there were student demonstrations.

The responsibility for content, however, must remain my own.

ALLAN.C.BROWNFELD

# Contents

## CHAPTER I.

The Early Life and Career  
of Justice Douglas 1

## CHAPTER II.

The Partisan Political Biases  
of Justice Douglas 17

## CHAPTER III.

Justice Douglas and the Parvin Foundation 35

## CHAPTER IV.

Justice Douglas and the Ginzburg Case 51

## CHAPTER V.

Subversion  
The Center for the Study of  
Democratic Institutions 63

## CHAPTER VI.

Points of Rebellion 77

## CHAPTER VII.

Impeachment and the Court 93

## CHAPTER VIII.

Conclusion 105