

# NYTimes Justice Douglas: Heretic of High Court

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WASHINGTON, Nov. 12—Associate Justice William O. Douglas, who retired today after serving longer on the nation's highest court than any man in history, has often been the Supreme Court's his hereby become conventional wisdom.

He was named to the Court in 1939, at the age of 40, by President Franklin D. Roosevelt. In the 36 years his appointment, Justice Douglas has often dissented from the Court's majority—particularly on issues involving civil liberties.

This dissent, he noted in an interview two years ago, was "a tradition of this Court" because "the first opinion the Court ever filed had a dissenting opinion."

"Besides," he said, "a person writing a dissent is free-wheeling. When someone is waiting for the Court, he is hoping to get others to agree with him, so many of the majority opinions are rather stultified."

"Stultified" is one of the few adjectives that has never been applied to the 77-year-old Associate Justice by his friends and enemies—and he has made armies of both in his 36 years on the bench.

Justice Douglas has been attacked for his decisions, his presumed politics and for his marriages; he has been praised by others for those same decisions and for his devotion to environmental concerns.

Justice Douglas suffered a stroke that led to today's decision last New Year's Eve while vacationing in the Bahamas with his fourth wife, Cathleen, who is 32. But at the end of March, when he checked out of Walter Reed Army Hospital, he said that the thought of retirement "never entered my mind." And after he returned to the Court this fall, using a wheelchair, he said, "Walking has very little to do with the ability to discharge the duties of the Court."

## Tireless Outdoorsman

He had, after all, survived a polio attack as a child and gone on to become a tireless outdoorsman. For several years, he has had a pacemaker in his heart. Until his stroke, hiking and climbing remained his pride and pleasure.

Justice Douglas has also survived three attempts to impeach him, with the most recent attack in 1970, led by then Representative Gerald R. Ford, who accused the Associate Justice of a variety of offenses relating to his professional conduct and writings. An earlier attempt focused on his "moral character," just after he married his present wife in 1966. The first attempt to institute impeachment proceedings was in 1953, based on his granting a stay of execution to Julius and Ethel Rosenberg, the convicted spies.

One of this has appeared to concern Justice Douglas, any more than the professional criticism by lawyers and law professors has deflected him from his view



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Associate Justice William O. Douglas as he appeared in the late 1940's.

that the basis of American government is "the theory that if the mind of man is to be free, his ideas, his beliefs, his ideology, his philosophy must be placed beyond the reach of government."

## Born in Minnesota

William Orville Douglas was born in Maine, Minn., on Oct. 16, 1898. His father was a circuit-riding Presbyterian minister who died when the boy was 6. That year, the family moved to Yakima, Wash. He went to the public school in Yakima and then to Whitman College in Wall Walla, graduating Phi Beta Kappa after helping

to pay for his studies by doing odd jobs—including window washing—and with a scholarship.

In 1920, after graduating from college, he took a job teaching Latin and English at a local high school. Two years later, paying his train fare by overseeing a carload of Chicago-bound sheep, he headed for New York City and Columbia University Law School. He arrived there, it was said, with 6 cents in his pocket.

In 1925, he was graduated second in his class and joined a Wall Street law firm before going back to Columbia as an assistant professor. A year later, he went to Yale University Law School and finished with the same rank. He quickly moved up to associate professor and, in 1931, a full professorship. In 1932, six years after he had been admitted to the bar, he was named Sterling Professor of law at Yale.

## Appointed to S.E.C.

He came to Washington in 1936, when he was appointed to the Securities and Exchange Commission by President Roosevelt and, in 1937, became S.E.C. chairman. In March, 1939, he was nominated to the Supreme Court to succeed Associate Justice Louis D. Brandeis, who had retired.

Justice Douglas has two children, Mrs. Mildred Read and William O. Douglas, by his first marriage. His present wife studied law after their marriage and was admitted to the bar in the District of Columbia.