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William O. Douglas: A Eulogy*

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Bill Douglas has departed, and there is an emptiness in our world.

In these final moments, we who love and revere him seek the comfort of shared recollection of the man, and the solace that we may derive from recalling his legacy. It is not easy; he was not a demonstrative man; and the entire world was his forum, and all of its people were the objects of his efforts. His perspective was vast; his vision was far-reaching: from a tattered, homeless vagrant to the entirety of a world in turmoil.

To seek the measure and essence of the man, we must go far beyond the law which was his basic instrument. We must go beyond the volumes of the Supreme Court Reporter which enshrine his extraordinary assertions of the rights and dignity of people. We must go beyond the archives of the Securities and Exchange Commission which memorialize his insistence that all of man's creations, including business and finance, must account to the service of society and its people. We must go beyond the records of his remarkable career at Yale and Columbia where he devised novel and effective techniques for the analysis of law and social problems.

We must go far beyond all of this. To recall to our minds the essence of our friend, we would have to summon the ranch hands at the little settlements of Whistling Jack and Goose Prairie, in the state of Washington; the Indians with whom he talked and fished near his cabin in Lostine, Oregon; Rup Singh, the mule driver in Central Asia; Yacoub Bishara, the peasant in Lebanon; Rahul, the Himalayan guide. To

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him, they were people—his friends; and the world that he fought to create was, in his view, a world which would bring peace and dignity to them, too.

We would have to go to his beloved mountains, to the wild rivers, to the peaceful paths of the Olympic Peninsula, of Mount Adams, of the Wallawas, and of our own neighboring countryside. We would have to journey to the agricultural station at Beltsville, Maryland, to see the rose bushes, made sturdy by cross-breeding with the seeds which he brought from the Himalayas. We would have to visit Douglas's collection of wild flowers from all of the world, which he gathered and classified and preserved, with wonder and amazement at God's beauty, and growing dismay and anger at man's destructiveness.

In all that he did, Douglas was a conservationist—a conservationist of people and of nature. He believed, deeply believed, in people, and he fiercely resented infringement of their rights and their dignity. He believed, deeply believed, in the sanctity of nature and nature's wonders. He said, "We deal not with transitory matters, but with the Earth itself. We who come this way are merely short-term tenants."

Bill Douglas was my beloved teacher, friend, and colleague for 50 years. We shared joys and sorrows, triumph and disaster, achievement and defeat, acclaim and calumny.

He was a man of quivering sensitivity, yet he unhesitatingly exposed himself to brutal assault. He was a man greatly in need of love, yet his life was devoted to causes which invited controversy and incited outrageous defamation. He was a brave man: he did what his mind and heart directed, although he knew—with devastating clarity—that he would have to endure suffering and torment, and that his suffering would be almost unendurable.

Perhaps it is inevitable in our world that the capacity to create tomorrow—to implant in a primitive world the seeds of principle that may flourish in a better world of tomorrow—perhaps it is inevitable that pain and suffering will accompany such greatness. For Douglas *was* tomorrow's man. He saw the world from the eminence of a lofty mind and exalted conscience, and he sought to raise the world's standards to the level of his own perception. His degree of success is remarkable; his failures are understandable, for he was, indeed, tomorrow's man. I recall a precept of which he was fond: "Occupy high ground," he said. And so he did.

I remember Herblock's cartoon when Douglas retired from the Supreme Court. It shows the crest of a mountain on which the name of William O. Douglas is carved in large letters. A mother and father

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and their two children are at the base of the mountain, looking up to its crest. There, they seem to say, there is the high ground where Douglas took his stand, where people may live in the beauty and freedom which Douglas claimed as humanity's right.

It is extraordinary to realize that, during his lifetime, Douglas was a leader in every one of mankind's major advances towards the summit: towards a peaceful world in which all people—and not just some—have the blessings of personal dignity and freedom from oppression or economic want, and towards a world in which the Earth and all its beauties, its trees and mountains, its rivers and its atmosphere, are carefully safeguarded and scrupulously nurtured.

I cannot conclude without telling you of an experience that I do not understand: On Sunday morning, as I stood beside the bed on which lay the body from which Douglas had departed, it was not the great events of his life which came to my mind. Instead, I saw Douglas, about forty-five years ago, in our days at Yale—in his New Haven house, playfully presiding at a pretended meeting of the mythical Hunt Club which he and Thurman Arnold invented—and I saw Douglas, who fancied himself a great outdoor chef, throwing a precious expensive steak directly on a charcoal fire, at a cook-out in our back yard. And I saw him slyly letting us know that it was he who had induced our Dean at Yale to board the train to Boston instead of New York where the Dean was scheduled to speak. And I saw him, much later, with Cathi, his beloved wife, happily striding along the C&O Canal. And so, I recalled, as I hope you will, the moments of happiness and not of grief.

Mr. Justice Douglas belongs to the world, and its people. That is as it should be. But Bill Douglas also belongs, in a very special way, to all of us who loved him.