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Dedication to William O. Douglas

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WILLIAM O. DOUGLAS

*By Eric Sevareid**

In his very old age, poet laureate John Masefield said that the spirit should not drive the poor beast that carries it, the body, too hard. Justice William O. Douglas drove his poor beast to the outermost limit of its endurance. He resigned because he felt his extreme physical weakness had become a handicap to the work of the Court, as his intimate friend, Abe Fortas, resigned several years ago when he felt charges of impropriety against him were hurting the integrity of the Court. Fortas might have ridden it out. Douglas could not; the pain was too great, even for a rugged athlete who had endured heavy sieges of pain more than once before.

The man's sheer will power was extraordinary. He nearly died of polio as a boy. When other boys jeered his shrunken legs, he forced himself day after day to climb the mountains near his state of Washington home to develop the muscles, and he climbed mountains until he was an old man.

He had been determined to stay on the Court until a liberal became President and chose his successor. But now Gerald Ford, the man who once tried to lay the ground for impeaching Douglas, will make the choice. The impeachment move infuriated Justice Douglas. In the middle of it, President Nixon telephoned him to say he deplored the move, but Nixon apparently never phoned Ford to call it off.

Douglas had a kind of legal genius. He was a very quick study—too quick, some of his colleagues thought, often making decisions more on political and sociological than legal grounds. But often, too, these considerations cannot be separated, and Douglas knew what he thought about the Constitution. He would take hours for the work that other judges took days.

Early on, he startled establishment lawyers by saying he did not come to the Court to follow precedents but to make them. And he made many—he, Black, and Frankfurter, then he and Black. For both, the Bill of Rights was the supreme command-

*Correspondent, CBS News. Mr. Sevareid contributed these remarks for the purpose of dedicating this issue to Justice Douglas. They were originally broadcast on November 12, 1975, the day of the Justice's retirement. Text © 1975 CBS, Inc.

ment; the chief purpose of the Constitution was to keep government off men's backs.

The liberal wing, so-called, of the Court is now much weaker. In a CBS interview last spring, I asked President Ford if he would feel obligated to replace Douglas with another man of the Douglas persuasion. He said he would not.